

Calendar No. 505

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H.R. 5010****[Report No. 107-213]**

Making appropriations for the Department of Defense for the fiscal year  
ending September 30, 2003, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 28, 2002

Received; read twice and referred to the Committee on Appropriations

JULY 18, 2002

Reported by Mr. INOUE, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

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**AN ACT**

Making appropriations for the Department of Defense for  
the fiscal year ending September 30, 2003, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       fiscal year ending September 30, 2003, for military func-

1 tions administered by the Department of Defense, and for  
2 other purposes, namely:

### 3 TITLE I

#### 4 MILITARY PERSONNEL

##### 5 MILITARY PERSONNEL, ARMY

6 For pay, allowances, individual clothing, subsistence,  
7 interest on deposits, gratuities, permanent change of sta-  
8 tion travel (including all expenses thereof for organiza-  
9 tional movements), and expenses of temporary duty travel  
10 between permanent duty stations, for members of the  
11 Army on active duty (except members of reserve compo-  
12 nents provided for elsewhere), cadets, and aviation cadets;  
13 and for payments pursuant to section 156 of Public Law  
14 97-377, as amended (42 U.S.C. 402 note), and to the De-  
15 partment of Defense Military Retirement Fund,  
16 \$26,832,217,000.

##### 17 MILITARY PERSONNEL, NAVY

18 For pay, allowances, individual clothing, subsistence,  
19 interest on deposits, gratuities, permanent change of sta-  
20 tion travel (including all expenses thereof for organiza-  
21 tional movements), and expenses of temporary duty travel  
22 between permanent duty stations, for members of the  
23 Navy on active duty (except members of the Reserve pro-  
24 vided for elsewhere), midshipmen, and aviation cadets; and  
25 for payments pursuant to section 156 of Public Law 97-

1 377, as amended (42 U.S.C. 402 note), and to the Depart-  
2 ment of Defense Military Retirement Fund,  
3 \$21,874,395,000.

4 ~~MILITARY PERSONNEL, MARINE CORPS~~

5 ~~For pay, allowances, individual clothing, subsistence,~~  
6 ~~interest on deposits, gratuities, permanent change of sta-~~  
7 ~~tion travel (including all expenses thereof for organiza-~~  
8 ~~tional movements), and expenses of temporary duty travel~~  
9 ~~between permanent duty stations, for members of the Ma-~~  
10 ~~rine Corps on active duty (except members of the Reserve~~  
11 ~~provided for elsewhere); and for payments pursuant to sec-~~  
12 ~~tion 156 of Public Law 97-377, as amended (42 U.S.C.~~  
13 ~~402 note), and to the Department of Defense Military Re-~~  
14 ~~tirement Fund, \$8,504,172,000.~~

15 ~~MILITARY PERSONNEL, AIR FORCE~~

16 ~~For pay, allowances, individual clothing, subsistence,~~  
17 ~~interest on deposits, gratuities, permanent change of sta-~~  
18 ~~tion travel (including all expenses thereof for organiza-~~  
19 ~~tional movements), and expenses of temporary duty travel~~  
20 ~~between permanent duty stations, for members of the Air~~  
21 ~~Force on active duty (except members of reserve compo-~~  
22 ~~nents provided for elsewhere), cadets, and aviation cadets;~~  
23 ~~and for payments pursuant to section 156 of Public Law~~  
24 ~~97-377, as amended (42 U.S.C. 402 note), and to the De-~~

1 partment of Defense Military Retirement Fund,  
2 \$21,957,757,000.

3 ~~RESERVE PERSONNEL, ARMY~~

4 For pay, allowances, clothing, subsistence, gratuities,  
5 travel, and related expenses for personnel of the Army Re-  
6 serve on active duty under sections 10211, 10302, and  
7 3038 of title 10, United States Code, or while serving on  
8 active duty under section 12301(d) of title 10, United  
9 States Code, in connection with performing duty specified  
10 in section 12310(a) of title 10, United States Code, or  
11 while undergoing reserve training, or while performing  
12 drills or equivalent duty or other duty, and for members  
13 of the Reserve Officers' Training Corps, and expenses au-  
14 thorized by section 16131 of title 10, United States Code;  
15 and for payments to the Department of Defense Military  
16 Retirement Fund, \$3,373,455,000.

17 ~~RESERVE PERSONNEL, NAVY~~

18 For pay, allowances, clothing, subsistence, gratuities,  
19 travel, and related expenses for personnel of the Navy Re-  
20 serve on active duty under section 10211 of title 10,  
21 United States Code, or while serving on active duty under  
22 section 12301(d) of title 10, United States Code, in con-  
23 nection with performing duty specified in section 12310(a)  
24 of title 10, United States Code, or while undergoing re-  
25 serve training, or while performing drills or equivalent

1 duty, and for members of the Reserve Officers' Training  
2 Corps, and expenses authorized by section ~~16131~~ of title  
3 10, United States Code; and for payments to the Depart-  
4 ment of Defense Military Retirement Fund,  
5 \$1,897,352,000.

6 ~~RESERVE PERSONNEL, MARINE CORPS~~

7 ~~For pay, allowances, clothing, subsistence, gratuities,~~  
8 ~~travel, and related expenses for personnel of the Marine~~  
9 ~~Corps Reserve on active duty under section ~~10211~~ of title~~  
10 ~~10, United States Code, or while serving on active duty~~  
11 ~~under section ~~12301(d)~~ of title 10, United States Code,~~  
12 ~~in connection with performing duty specified in section~~  
13 ~~~~12310(a)~~ of title 10, United States Code, or while under-~~  
14 ~~going reserve training, or while performing drills or equiv-~~  
15 ~~alent duty, and for members of the Marine Corps platoon~~  
16 ~~leaders class, and expenses authorized by section ~~16131~~~~  
17 ~~of title 10, United States Code; and for payments to the~~  
18 ~~Department of Defense Military Retirement Fund,~~  
19 ~~\$553,983,000.~~

20 ~~RESERVE PERSONNEL, AIR FORCE~~

21 ~~For pay, allowances, clothing, subsistence, gratuities,~~  
22 ~~travel, and related expenses for personnel of the Air Force~~  
23 ~~Reserve on active duty under sections ~~10211~~, ~~10305~~, and~~  
24 ~~~~8038~~ of title 10, United States Code, or while serving on~~  
25 ~~active duty under section ~~12301(d)~~ of title 10, United~~

1 States Code, in connection with performing duty specified  
 2 in section 12310(a) of title 10, United States Code, or  
 3 while undergoing reserve training, or while performing  
 4 drills or equivalent duty or other duty, and for members  
 5 of the Air Reserve Officers' Training Corps, and expenses  
 6 authorized by section 16131 of title 10, United States  
 7 Code; and for payments to the Department of Defense  
 8 Military Retirement Fund, \$1,236,904,000.

9 NATIONAL GUARD PERSONNEL, ARMY

10 For pay, allowances, clothing, subsistence, gratuities,  
 11 travel, and related expenses for personnel of the Army Na-  
 12 tional Guard while on duty under section 10211, 10302,  
 13 or 12402 of title 10 or section 708 of title 32, United  
 14 States Code, or while serving on duty under section  
 15 12301(d) of title 10 or section 502(f) of title 32, United  
 16 States Code, in connection with performing duty specified  
 17 in section 12310(a) of title 10, United States Code, or  
 18 while undergoing training, or while performing drills or  
 19 equivalent duty or other duty, and expenses authorized by  
 20 section 16131 of title 10, United States Code; and for pay-  
 21 ments to the Department of Defense Military Retirement  
 22 Fund, \$5,070,188,000.

23 NATIONAL GUARD PERSONNEL, AIR FORCE

24 For pay, allowances, clothing, subsistence, gratuities,  
 25 travel, and related expenses for personnel of the Air Na-

1 tional Guard on duty under section 10211, 10305, or  
 2 12402 of title 10 or section 708 of title 32, United States  
 3 Code, or while serving on duty under section 12301(d) of  
 4 title 10 or section 502(f) of title 32, United States Code,  
 5 in connection with performing duty specified in section  
 6 12310(a) of title 10, United States Code, or while under-  
 7 going training, or while performing drills or equivalent  
 8 duty or other duty, and expenses authorized by section  
 9 16131 of title 10, United States Code; and for payments  
 10 to the Department of Defense Military Retirement Fund,  
 11 \$2,124,411,000.

## 12 TITLE II

### 13 OPERATION AND MAINTENANCE

#### 14 OPERATION AND MAINTENANCE, ARMY

15 For expenses, not otherwise provided for, necessary  
 16 for the operation and maintenance of the Army, as author-  
 17 ized by law, and not to exceed \$10,818,000 can be used  
 18 for emergencies and extraordinary expenses, to be ex-  
 19 pended on the approval or authority of the Secretary of  
 20 the Army, and payments may be made on his certificate  
 21 of necessity for confidential military purposes,  
 22 \$23,942,768,000: *Provided*, That of the funds appro-  
 23 priated in this paragraph, not less than \$355,000,000  
 24 shall be made available only for conventional ammunition  
 25 care and maintenance.

1           ~~OPERATION AND MAINTENANCE, NAVY~~

2           ~~For expenses, not otherwise provided for, necessary~~  
3 ~~for the operation and maintenance of the Navy and the~~  
4 ~~Marine Corps, as authorized by law; and not to exceed~~  
5 ~~\$4,415,000 can be used for emergencies and extraordinary~~  
6 ~~expenses, to be expended on the approval or authority of~~  
7 ~~the Secretary of the Navy, and payments may be made~~  
8 ~~on his certificate of necessity for confidential military pur-~~  
9 ~~poses, \$29,121,836,000.~~

10          ~~OPERATION AND MAINTENANCE, MARINE CORPS~~

11          ~~For expenses, not otherwise provided for, necessary~~  
12 ~~for the operation and maintenance of the Marine Corps,~~  
13 ~~as authorized by law, \$3,579,359,000.~~

14          ~~OPERATION AND MAINTENANCE, AIR FORCE~~

15          ~~For expenses, not otherwise provided for, necessary~~  
16 ~~for the operation and maintenance of the Air Force, as~~  
17 ~~authorized by law; and not to exceed \$7,902,000 can be~~  
18 ~~used for emergencies and extraordinary expenses, to be ex-~~  
19 ~~pended on the approval or authority of the Secretary of~~  
20 ~~the Air Force, and payments may be made on his certifi-~~  
21 ~~cate of necessity for confidential military purposes,~~  
22 ~~\$27,587,959,000: *Provided*, That notwithstanding any~~  
23 ~~other provision of law, that of the funds available under~~  
24 ~~this heading, \$750,000 shall only be available to the Sec-~~  
25 ~~retary of the Air Force for a grant to Florida Memorial~~



1 College for the purpose of funding minority aviation train-  
 2 ing: *Provided further*, That of the amount provided under  
 3 this heading, not less than \$2,000,000 shall be obligated  
 4 for the deployment of Air Force active and Reserve air-  
 5 crews that perform combat search and rescue operations  
 6 to operate and evaluate the United Kingdom's Royal Air  
 7 Force EH-101 helicopter, to receive training using that  
 8 helicopter, and to exchange operational techniques and  
 9 procedures regarding that helicopter.

10 OPERATION AND MAINTENANCE, DEFENSE-WIDE  
 11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses, not otherwise provided for, necessary  
 13 for the operation and maintenance of activities and agen-  
 14 cies of the Department of Defense (other than the military  
 15 departments), as authorized by law, \$14,850,377,000, of  
 16 which not to exceed \$25,000,000 may be available for the  
 17 CINC initiative fund account; and of which not to exceed  
 18 \$34,500,000 can be used for emergencies and extraor-  
 19 dinary expenses, to be expended on the approval or author-  
 20 ity of the Secretary of Defense, and payments may be  
 21 made on his certificate of necessity for confidential mili-  
 22 tary purposes: *Provided*, That notwithstanding any other  
 23 provision of law, of the funds provided in this Act for Civil  
 24 Military programs under this heading, \$750,000 shall be  
 25 available for a grant for Outdoor Odyssey, Roaring Run,

1 Pennsylvania, to support the Youth Development and  
2 Leadership program and Department of Defense  
3 STARBASE program: *Provided further*, That none of the  
4 funds appropriated or otherwise made available by this  
5 Act may be used to plan or implement the consolidation  
6 of a budget or appropriations liaison office of the Office  
7 of the Secretary of Defense, the office of the Secretary  
8 of a military department, or the service headquarters of  
9 one of the Armed Forces into a legislative affairs or legis-  
10 lative liaison office: *Provided further*, That \$4,675,000, to  
11 remain available until expended, is available only for ex-  
12 penses relating to certain classified activities, and may be  
13 transferred as necessary by the Secretary to operation and  
14 maintenance appropriations or research, development, test  
15 and evaluation appropriations, to be merged with and to  
16 be available for the same time period as the appropriations  
17 to which transferred: *Provided further*, That any ceiling  
18 on the investment item unit cost of items that may be pur-  
19 chased with operation and maintenance funds shall not  
20 apply to the funds described in the preceding proviso: *Pro-*  
21 *vided further*, That the transfer authority provided under  
22 this heading is in addition to any other transfer authority  
23 provided elsewhere in this Act.

1       ~~OPERATION AND MAINTENANCE, ARMY RESERVE~~

2       ~~For expenses, not otherwise provided for, necessary~~  
3 ~~for the operation and maintenance, including training, or-~~  
4 ~~ganization, and administration, of the Army Reserve; re-~~  
5 ~~pair of facilities and equipment; hire of passenger motor~~  
6 ~~vehicles; travel and transportation; care of the dead; re-~~  
7 ~~cruiting; procurement of services, supplies, and equip-~~  
8 ~~ment; and communications, \$1,976,710,000.~~

9       ~~OPERATION AND MAINTENANCE, NAVY RESERVE~~

10      ~~For expenses, not otherwise provided for, necessary~~  
11 ~~for the operation and maintenance, including training, or-~~  
12 ~~ganization, and administration, of the Navy Reserve; re-~~  
13 ~~pair of facilities and equipment; hire of passenger motor~~  
14 ~~vehicles; travel and transportation; care of the dead; re-~~  
15 ~~cruiting; procurement of services, supplies, and equip-~~  
16 ~~ment; and communications, \$1,239,309,000.~~

17      ~~OPERATION AND MAINTENANCE, MARINE CORPS~~

18                               ~~RESERVE~~

19      ~~For expenses, not otherwise provided for, necessary~~  
20 ~~for the operation and maintenance, including training, or-~~  
21 ~~ganization, and administration, of the Marine Corps Re-~~  
22 ~~serve; repair of facilities and equipment; hire of passenger~~  
23 ~~motor vehicles; travel and transportation; care of the dead;~~  
24 ~~recruiting; procurement of services, supplies, and equip-~~  
25 ~~ment; and communications, \$189,532,000.~~

9 OPERATION AND MAINTENANCE, ARMY NATIONAL

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$4,231,967,000.

1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For operation and maintenance of the Air National  
3 Guard, including medical and hospital treatment and re-  
4 lated expenses in non-Federal hospitals; maintenance, op-  
5 eration, repair, and other necessary expenses of facilities  
6 for the training and administration of the Air National  
7 Guard, including repair of facilities; maintenance, oper-  
8 ation, and modification of aircraft; transportation of  
9 things; hire of passenger motor vehicles; supplies, mate-  
10 rials, and equipment, as authorized by law for the Air Na-  
11 tional Guard; and expenses incident to the maintenance  
12 and use of supplies, materials, and equipment, including  
13 such as may be furnished from stocks under the control  
14 of agencies of the Department of Defense; travel expenses  
15 (other than mileage) on the same basis as authorized by  
16 law for Air National Guard personnel on active Federal  
17 duty, for Air National Guard commanders while inspecting  
18 units in compliance with National Guard Bureau regula-  
19 tions when specifically authorized by the Chief, National  
20 Guard Bureau, \$4,113,010,000.

21 UNITED STATES COURT OF APPEALS FOR THE ARMED  
22 FORCES

23 For salaries and expenses necessary for the United  
24 States Court of Appeals for the Armed Forces,

1 \$9,614,000, of which not to exceed \$2,500 can be used  
2 for official representation purposes.

3 ENVIRONMENTAL RESTORATION, ARMY  
4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of the Army, \$395,900,000, to  
6 remain available until transferred: *Provided*, That the Sec-  
7 retary of the Army shall, upon determining that such  
8 funds are required for environmental restoration, reduc-  
9 tion and recycling of hazardous waste, removal of unsafe  
10 buildings and debris of the Department of the Army, or  
11 for similar purposes, transfer the funds made available by  
12 this appropriation to other appropriations made available  
13 to the Department of the Army, to be merged with and  
14 to be available for the same purposes and for the same  
15 time period as the appropriations to which transferred:  
16 *Provided further*, That upon a determination that all or  
17 part of the funds transferred from this appropriation are  
18 not necessary for the purposes provided herein, such  
19 amounts may be transferred back to this appropriation.

20 ENVIRONMENTAL RESTORATION, NAVY  
21 (INCLUDING TRANSFER OF FUNDS)

22 For the Department of the Navy, \$256,948,000, to  
23 remain available until transferred: *Provided*, That the Sec-  
24 retary of the Navy shall, upon determining that such  
25 funds are required for environmental restoration, reduc-

1 tion and recycling of hazardous waste, removal of unsafe  
2 buildings and debris of the Department of the Navy, or  
3 for similar purposes, transfer the funds made available by  
4 this appropriation to other appropriations made available  
5 to the Department of the Navy, to be merged with and  
6 to be available for the same purposes and for the same  
7 time period as the appropriations to which transferred:  
8 *Provided further*, That upon a determination that all or  
9 part of the funds transferred from this appropriation are  
10 not necessary for the purposes provided herein, such  
11 amounts may be transferred back to this appropriation.

12 ENVIRONMENTAL RESTORATION, AIR FORCE

13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of the Air Force, \$389,773,000,  
15 to remain available until transferred: *Provided*, That the  
16 Secretary of the Air Force shall, upon determining that  
17 such funds are required for environmental restoration, re-  
18 duction and recycling of hazardous waste, removal of un-  
19 safe buildings and debris of the Department of the Air  
20 Force, or for similar purposes, transfer the funds made  
21 available by this appropriation to other appropriations  
22 made available to the Department of the Air Force, to be  
23 merged with and to be available for the same purposes  
24 and for the same time period as the appropriations to  
25 which transferred: *Provided further*, That upon a deter-

1 mination that all or part of the funds transferred from  
2 this appropriation are not necessary for the purposes pro-  
3 vided herein, such amounts may be transferred back to  
4 this appropriation.

5 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
6 (INCLUDING TRANSFER OF FUNDS)

7 For the Department of Defense, \$23,498,000, to re-  
8 main available until transferred: *Provided*, That the Sec-  
9 retary of Defense shall, upon determining that such funds  
10 are required for environmental restoration, reduction and  
11 recycling of hazardous waste, removal of unsafe buildings  
12 and debris of the Department of Defense, or for similar  
13 purposes, transfer the funds made available by this appro-  
14 priation to other appropriations made available to the De-  
15 partment of Defense, to be merged with and to be avail-  
16 able for the same purposes and for the same time period  
17 as the appropriations to which transferred: *Provided fur-*  
18 *ther*, That upon a determination that all or part of the  
19 funds transferred from this appropriation are not nec-  
20 essary for the purposes provided herein, such amounts  
21 may be transferred back to this appropriation.



1 ENVIRONMENTAL RESTORATION, FORMERLY USED  
2 DEFENSE SITES  
3 (INCLUDING TRANSFER OF FUNDS)

4 For the Department of the Army, \$212,102,000, to  
5 remain available until transferred: *Provided*, That the Sec-  
6 retary of the Army shall, upon determining that such  
7 funds are required for environmental restoration, reduc-  
8 tion and recycling of hazardous waste, removal of unsafe  
9 buildings and debris at sites formerly used by the Depart-  
10 ment of Defense, transfer the funds made available by this  
11 appropriation to other appropriations made available to  
12 the Department of the Army, to be merged with and to  
13 be available for the same purposes and for the same time  
14 period as the appropriations to which transferred: *Pro-*  
15 *vided further*, That upon a determination that all or part  
16 of the funds transferred from this appropriation are not  
17 necessary for the purposes provided herein, such amounts  
18 may be transferred back to this appropriation.

19 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

20 For expenses relating to the Overseas Humanitarian,  
21 Disaster, and Civic Aid programs of the Department of  
22 Defense (consisting of the programs provided under sec-  
23 tions 401, 402, 404, 2547, and 2551 of title 10, United  
24 States Code), \$58,400,000, to remain available until Sep-  
25 tember 30, 2004.

1           FORMER SOVIET UNION THREAT REDUCTION

2           For assistance to the republics of the former Soviet  
3 Union, including assistance provided by contract or by  
4 grants, for facilitating the elimination and the safe and  
5 secure transportation and storage of nuclear, chemical and  
6 other weapons; for establishing programs to prevent the  
7 proliferation of weapons, weapons components, and weap-  
8 on-related technology and expertise; for programs relating  
9 to the training and support of defense and military per-  
10 sonnel for demilitarization and protection of weapons;  
11 weapons components and weapons technology and exper-  
12 tise; and for defense and military contacts, \$416,700,000,  
13 to remain available until September 30, 2005.

14           SUPPORT FOR INTERNATIONAL SPORTING

15                   COMPETITIONS, DEFENSE

16           For logistical and security support for international  
17 sporting competitions (including pay and non-travel re-  
18 lated allowances only for members of the Reserve Compo-  
19 nents of the Armed Forces of the United States called or  
20 ordered to active duty in connection with providing such  
21 support), \$19,000,000, to remain available until expended.

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# TITLE III

## PROCUREMENT

### AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor, specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,214,369,000, to remain available for obligation until September 30, 2005, of which not less than \$225,675,000 shall be available for the Army National Guard and Army Reserve: *Provided*, That of the funds made available under this heading, \$45,000,000 shall be available only to support a restructured CH-47F helicopter upgrade program that increases the production rate to 48 helicopters per fiscal year by fiscal year 2005: *Provided further*, That funds in the immediately preceding proviso shall not be made available until the Secretary of

1 the Army has certified to the congressional defense com-  
2 mittees that the Army intends to budget for the upgrade  
3 of the entire CH-47 fleet that is planned to be part of  
4 the Objective Force.

5                   MISSILE PROCUREMENT, ARMY

6       For construction, procurement, production, modifica-  
7 tion, and modernization of missiles, equipment, including  
8 ordnance, ground handling equipment, spare parts, and  
9 accessories therefor; specialized equipment and training  
10 devices; expansion of public and private plants, including  
11 the land necessary therefor, for the foregoing purposes,  
12 and such lands and interests therein, may be acquired,  
13 and construction prosecuted thereon prior to approval of  
14 title; and procurement and installation of equipment, ap-  
15 pliances, and machine tools in public and private plants;  
16 reserve plant and Government and contractor-owned  
17 equipment layaway; and other expenses necessary for the  
18 foregoing purposes, \$1,112,772,000, to remain available  
19 for obligation until September 30, 2005, of which not less  
20 than \$168,580,000 shall be available for the Army Na-  
21 tional Guard and Army Reserve.

22       PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
23                   VEHICLES, ARMY

24       For construction, procurement, production, and  
25 modification of weapons and tracked combat vehicles,

1 equipment, including ordnance, spare parts, and acces-  
2 sories therefor; specialized equipment and training devices;  
3 expansion of public and private plants, including the land  
4 necessary therefor, for the foregoing purposes, and such  
5 lands and interests therein, may be acquired, and con-  
6 struction prosecuted thereon prior to approval of title; and  
7 procurement and installation of equipment, appliances,  
8 and machine tools in public and private plants; reserve  
9 plant and Government and contractor-owned equipment  
10 layaway; and other expenses necessary for the foregoing  
11 purposes, \$2,248,358,000, to remain available for obliga-  
12 tion until September 30, 2005, of which not less than  
13 \$40,849,000 shall be available for the Army National  
14 Guard and Army Reserve.

15           PROCUREMENT OF AMMUNITION, ARMY

16       For construction, procurement, production, and  
17 modification of ammunition, and accessories therefor; spe-  
18 cialized equipment and training devices; expansion of pub-  
19 lic and private plants, including ammunition facilities au-  
20 thorized by section 2854 of title 10, United States Code,  
21 and the land necessary therefor, for the foregoing pur-  
22 poses, and such lands and interests therein, may be ac-  
23 quired, and construction prosecuted thereon prior to ap-  
24 proval of title; and procurement and installation of equip-  
25 ment, appliances, and machine tools in public and private

1 plants; reserve plant and Government and contractor-  
2 owned equipment layaway; and other expenses necessary  
3 for the foregoing purposes, \$1,207,560,000, to remain  
4 available for obligation until September 30, 2005, of which  
5 not less than \$124,716,000 shall be available for the Army  
6 National Guard and Army Reserve.

7                   OTHER PROCUREMENT, ARMY

8       For construction, procurement, production, and  
9 modification of vehicles, including tactical, support, and  
10 non-tracked combat vehicles; the purchase of not to exceed  
11 40 passenger motor vehicles for replacement only; and the  
12 purchase of 6 vehicles required for physical security of  
13 personnel, notwithstanding price limitations applicable to  
14 passenger vehicles but not to exceed \$180,000 per vehicle;  
15 communications and electronic equipment; other support  
16 equipment; spare parts, ordnance, and accessories there-  
17 for; specialized equipment and training devices; expansion  
18 of public and private plants, including the land necessary  
19 therefor, for the foregoing purposes, and such lands and  
20 interests therein, may be acquired, and construction pros-  
21 ecututed thereon prior to approval of title; and procurement  
22 and installation of equipment, appliances, and machine  
23 tools in public and private plants; reserve plant and Gov-  
24 ernment and contractor-owned equipment layaway; and  
25 other expenses necessary for the foregoing purposes;

1 ~~\$6,017,380,000~~, to remain available for obligation until  
2 September 30, 2005, of which not less than  
3 ~~\$1,129,578,000~~ shall be available for the Army National  
4 Guard and Army Reserve.

5 ~~AIRCRAFT PROCUREMENT, NAVY~~

6 For construction, procurement, production, modifica-  
7 tion, and modernization of aircraft, equipment, including  
8 ordnance, spare parts, and accessories therefor; specialized  
9 equipment; expansion of public and private plants, includ-  
10 ing the land necessary therefor, and such lands and inter-  
11 ests therein, may be acquired, and construction prosecuted  
12 thereon prior to approval of title; and procurement and  
13 installation of equipment, appliances, and machine tools  
14 in public and private plants; reserve plant and Govern-  
15 ment and contractor-owned equipment layaway;  
16 ~~\$8,682,655,000~~, to remain available for obligation until  
17 September 30, 2005, of which not less than ~~\$19,644,000~~  
18 shall be available for the Navy Reserve and Marine Corps  
19 Reserve.

20 ~~WEAPONS PROCUREMENT, NAVY~~

21 For construction, procurement, production, modifica-  
22 tion, and modernization of missiles, torpedoes, other weap-  
23 ons, and related support equipment including spare parts,  
24 and accessories therefor; expansion of public and private  
25 plants, including the land necessary therefor, and such

10 For construction, procurement, production, and  
11 modification of ammunition, and accessories therefor; spe-  
12 cialized equipment and training devices; expansion of pub-  
13 lic and private plants, including ammunition facilities au-  
14 thorized by section 2854 of title 10, United States Code,  
15 and the land necessary therefor, for the foregoing pur-  
16 poses; and such lands and interests therein, may be ac-  
17 quired, and construction prosecuted thereon prior to ap-  
18 proval of title; and procurement and installation of equip-  
19 ment, appliances, and machine tools in public and private  
20 plants; reserve plant and Government and contractor-  
21 owned equipment layaway; and other expenses necessary  
22 for the foregoing purposes, \$1,167,130,000, to remain  
23 available for obligation until September 30, 2005, of which  
24 not less than \$18,162,000 shall be for the Navy Reserve  
25 and Marine Corps Reserve.



1 SHIPBUILDING AND CONVERSION, NAVY

2 For expenses necessary for the construction, acquisi-  
 3 tion, or conversion of vessels as authorized by law, includ-  
 4 ing armor and armament thereof, plant equipment, appli-  
 5 ances, and machine tools and installation thereof in public  
 6 and private plants; reserve plant and Government and con-  
 7 tractor-owned equipment layaway; procurement of critical,  
 8 long leadtime components and designs for vessels to be  
 9 constructed or converted in the future; and expansion of  
 10 public and private plants, including land necessary there-  
 11 for, and such lands and interests therein, may be acquired,  
 12 and construction prosecuted thereon prior to approval of  
 13 title, as follows:

14 Carrier Replacement Program (CY),  
 15 \$250,000,000;

16 Carrier Replacement Program (AP-CY),  
 17 \$243,703,000;

18 Virginia Class Submarine, \$1,490,652,000;

19 Virginia Class Submarine (AP-CY),  
 20 \$706,309,000;

21 SSGN Conversion, \$404,305,000;

22 SSGN Conversion (AP-CY), \$421,000,000;

23 CVN Refueling Overhauls (AP-CY),  
 24 \$296,781,000;

25 Submarine Refueling Overhauls, \$231,292,000;

1           Submarine Refueling Overhauls (AP-CY),  
 2       \$88,257,000;  
 3           DDG-51, \$2,273,002,000;  
 4           DDG-51 (AP-CY), \$74,000,000;  
 5           LPD-17, \$596,492,000;  
 6           LPD-17 (AP-CY), \$8,000,000;  
 7           LCU (X), \$9,756,000;  
 8           Outfitting, \$300,608,000;  
 9           LCAC SLEP, \$81,638,000;  
 10          Mine Hunter SWATH, \$7,000,000; and  
 11          Completion of Prior Year Shipbuilding Pro-  
 12       grams, \$644,899,000;  
 13       In all: \$8,127,694,000, to remain available for obliga-  
 14       tion until September 30, 2007: *Provided*, That additional  
 15       obligations may be incurred after September 30, 2007, for  
 16       engineering services, tests, evaluations, and other such  
 17       budgeted work that must be performed in the final stage  
 18       of ship construction: *Provided further*, That none of the  
 19       funds provided under this heading for the construction or  
 20       conversion of any naval vessel to be constructed in ship-  
 21       yards in the United States shall be expended in foreign  
 22       facilities for the construction of major components of such  
 23       vessel: *Provided further*, That none of the funds provided  
 24       under this heading shall be used for the construction of  
 25       any naval vessel in foreign shipyards.

## 1                   OTHER PROCUREMENT, NAVY

2           For procurement, production, and modernization of  
3 support equipment and materials not otherwise provided  
4 for, Navy ordnance (except ordnance for new aircraft, new  
5 ships, and ships authorized for conversion); the purchase  
6 of not to exceed ~~141~~ passenger motor vehicles for replace-  
7 ment only, and the purchase of ~~3~~ vehicles required for  
8 physical security of personnel, notwithstanding price limi-  
9 tations applicable to passenger vehicles but not to exceed  
10 \$240,000 per unit for one unit and not to exceed \$125,000  
11 per unit for the remaining two units; expansion of public  
12 and private plants, including the land necessary therefor,  
13 and such lands and interests therein, may be acquired,  
14 and construction prosecuted thereon prior to approval of  
15 title; and procurement and installation of equipment, ap-  
16 pliances, and machine tools in public and private plants;  
17 reserve plant and Government and contractor-owned  
18 equipment layaway, \$4,631,299,000, to remain available  
19 for obligation until September 30, 2005, of which not less  
20 than \$19,869,000 shall be for the Naval Reserve.

## 21                   PROCUREMENT, MARINE CORPS

22           For expenses necessary for the procurement, manu-  
23 facture, and modification of missiles, armament, military  
24 equipment, spare parts, and accessories therefor; plant  
25 equipment, appliances, and machine tools; and installation

1 thereof in public and private plants; reserve plant and  
2 Government and contractor-owned equipment layaway; ve-  
3 hicles for the Marine Corps; including the purchase of not  
4 to exceed 28 passenger motor vehicles for replacement  
5 only; and expansion of public and private plants; including  
6 land necessary therefor; and such lands and interests  
7 therein; may be acquired; and construction prosecuted  
8 thereon prior to approval of title, \$1,369,383,000, to re-  
9 main available for obligation until September 30, 2005,  
10 of which not less than \$253,724,000 shall be available for  
11 the Marine Corps Reserve.

12           AIRCRAFT PROCUREMENT, AIR FORCE

13       For construction, procurement, lease, and modifica-  
14 tion of aircraft and equipment; including armor and arma-  
15 ment; specialized ground handling equipment; and train-  
16 ing devices; spare parts; and accessories therefor; special-  
17 ized equipment; expansion of public and private plants;  
18 Government-owned equipment and installation thereof in  
19 such plants; erection of structures; and acquisition of land;  
20 for the foregoing purposes; and such lands and interests  
21 therein; may be acquired; and construction prosecuted  
22 thereon prior to approval of title; reserve plant and Gov-  
23 ernment and contractor-owned equipment layaway; and  
24 other expenses necessary for the foregoing purposes in-  
25 cluding rents and transportation of things;

1 ~~\$12,492,730,000~~, to remain available for obligation until  
 2 September 30, 2005, of which not less than ~~\$312,700,000~~  
 3 shall be available for the Air National Guard and Air  
 4 Force Reserve: *Provided*, That of the amount provided  
 5 under this heading, not less than ~~\$207,000,000~~ shall be  
 6 used only for the producability improvement program di-  
 7 rectly related to the F-22 aircraft program: *Provided fur-*  
 8 *ther*, That amounts provided under this heading shall be  
 9 used for the advance procurement of ~~15 C-17~~ aircraft.

#### 10 MISSILE PROCUREMENT, AIR FORCE

11 For construction, procurement, and modification of  
 12 missiles, spacecraft, rockets, and related equipment, in-  
 13 cluding spare parts and accessories therefor, ground han-  
 14 dling equipment, and training devices; expansion of public  
 15 and private plants, Government-owned equipment and in-  
 16 stallation thereof in such plants, erection of structures,  
 17 and acquisition of land, for the foregoing purposes, and  
 18 such lands and interests therein, may be acquired, and  
 19 construction prosecuted thereon prior to approval of title;  
 20 reserve plant and Government and contractor-owned  
 21 equipment layaway; and other expenses necessary for the  
 22 foregoing purposes including rents and transportation of  
 23 things, ~~\$3,185,439,000~~, to remain available for obligation  
 24 until September 30, 2005.

1           PROCUREMENT OF AMMUNITION, AIR FORCE

2           For construction, procurement, production, and  
3 modification of ammunition, and accessories therefor; spe-  
4 cialized equipment and training devices; expansion of pub-  
5 lic and private plants, including ammunition facilities au-  
6 thorized by section 2854 of title 10, United States Code,  
7 and the land necessary therefor, for the foregoing pur-  
8 poses, and such lands and interests therein, may be ac-  
9 quired, and construction prosecuted thereon prior to ap-  
10 proval of title; and procurement and installation of equip-  
11 ment, appliances, and machine tools in public and private  
12 plants; reserve plant and Government and contractor-  
13 owned equipment layaway; and other expenses necessary  
14 for the foregoing purposes, \$1,290,764,000, to remain  
15 available for obligation until September 30, 2005, of which  
16 not less than \$120,200,000 shall be available for the Air  
17 National Guard and Air Force Reserve.

18           OTHER PROCUREMENT, AIR FORCE

19           For procurement and modification of equipment (in-  
20 cluding ground guidance and electronic control equipment,  
21 and ground electronic and communication equipment),  
22 and supplies, materials, and spare parts therefor, not oth-  
23 erwise provided for; the purchase of not to exceed 263 pas-  
24 senger motor vehicles for replacement only, and the pur-  
25 chase of 2 vehicles required for physical security of per-

1 sonnel, notwithstanding price limitations applicable to pas-  
2 senger vehicles but not to exceed \$232,000 per vehicle;  
3 lease of passenger motor vehicles; and expansion of public  
4 and private plants; Government-owned equipment and in-  
5 stallation thereof in such plants; erection of structures;  
6 and acquisition of land, for the foregoing purposes; and  
7 such lands and interests therein; may be acquired; and  
8 construction prosecuted thereon; prior to approval of title;  
9 reserve plant and Government and contractor-owned  
10 equipment layaway, \$10,622,660,000, to remain available  
11 for obligation until September 30, 2005, of which not less  
12 than \$167,600,000 shall be available for the Air National  
13 Guard and Air Force Reserve.

14                   PROCUREMENT, DEFENSE-WIDE

15       For expenses of activities and agencies of the Depart-  
16 ment of Defense (other than the military departments)  
17 necessary for procurement, production, and modification  
18 of equipment, supplies, materials, and spare parts there-  
19 for; not otherwise provided for; the purchase of not to ex-  
20 ceed 99 passenger motor vehicles for replacement only; the  
21 purchase of 4 vehicles required for physical security of  
22 personnel, notwithstanding price limitations applicable to  
23 passenger vehicles but not to exceed \$250,000 per vehicle;  
24 expansion of public and private plants; equipment, and in-  
25 stallation thereof in such plants; erection of structures;

1 and acquisition of land for the foregoing purposes, and  
 2 such lands and interests therein, may be acquired, and  
 3 construction prosecuted thereon prior to approval of title;  
 4 reserve plant and Government and contractor-owned  
 5 equipment layaway, \$3,457,405,000, to remain available  
 6 for obligation until September 30, 2005: *Provided*, That  
 7 funds provided under this heading for Patriot Advanced  
 8 Capability-3 (PAC-3) missiles may be used for procure-  
 9 ment of critical parts for PAC-3 missiles to support pro-  
 10 duction of such missiles in future fiscal years.

#### 11 DEFENSE PRODUCTION ACT PURCHASES

12 For activities by the Department of Defense pursuant  
 13 to sections 108, 301, 302, and 303 of the Defense Produc-  
 14 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and  
 15 2093), \$73,057,000 to remain available until expended.

#### 16 TITLE IV

#### 17 RESEARCH, DEVELOPMENT, TEST AND 18 EVALUATION

#### 19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION, 20 ARMY

21 For expenses necessary for basic and applied sci-  
 22 entific research, development, test and evaluation, includ-  
 23 ing maintenance, rehabilitation, lease, and operation of fa-  
 24 cilities and equipment, \$7,447,160,000, to remain avail-  
 25 able for obligation until September 30, 2004.



11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
12 AIR FORCE

18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
19 DEFENSE-WIDE

**HR 5010 RS**

1 lease, and operation of facilities and equipment,  
 2 \$17,863,462,000 (reduced by \$30,000,000) (increased by  
 3 \$30,000,000), to remain available for obligation until Sep-  
 4 tember 30, 2004.

5       OPERATIONAL TEST AND EVALUATION, DEFENSE

6       For expenses, not otherwise provided for, necessary  
 7 for the independent activities of the Director, Operational  
 8 Test and Evaluation, in the direction and supervision of  
 9 operational test and evaluation, including initial oper-  
 10 ational test and evaluation which is conducted prior to,  
 11 and in support of, production decisions; joint operational  
 12 testing and evaluation; and administrative expenses in  
 13 connection therewith, \$242,054,000, to remain available  
 14 for obligation until September 30, 2004.

15                               TITLE V

16       REVOLVING AND MANAGEMENT FUNDS

17               DEFENSE WORKING CAPITAL FUNDS

18       For the Defense Working Capital Funds,  
 19 \$1,832,956,000: *Provided*, That during fiscal year 2003,  
 20 funds in the Defense Working Capital Funds may be used  
 21 for the purchase of not to exceed 315 passenger carrying  
 22 motor vehicles for replacement only for the Defense Secu-  
 23 rity Service, and the purchase of not to exceed 7 vehicles  
 24 for replacement only for the Defense Logistics Agency.

## 1 NATIONAL DEFENSE SEALIFT FUND

2 For National Defense Sealift Fund programs,  
3 projects, and activities, and for expenses of the National  
4 Defense Reserve Fleet, as established by section 11 of the  
5 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),  
6 and for the necessary expenses to maintain and preserve  
7 a U.S.-flag merchant fleet to serve the national security  
8 needs of the United States, \$944,129,000, to remain avail-  
9 able until expended: *Provided*, That none of the funds pro-  
10 vided in this paragraph shall be used to award a new con-  
11 tract that provides for the acquisition of any of the fol-  
12 lowing major components unless such components are  
13 manufactured in the United States: auxiliary equipment,  
14 including pumps, for all shipboard services; propulsion  
15 system components (that is; engines, reduction gears, and  
16 propellers); shipboard cranes; and spreaders for shipboard  
17 cranes: *Provided further*, That the exercise of an option  
18 in a contract awarded through the obligation of previously  
19 appropriated funds shall not be considered to be the award  
20 of a new contract: *Provided further*, That the Secretary  
21 of the military department responsible for such procure-  
22 ment may waive the restrictions in the first proviso on  
23 a case-by-case basis by certifying in writing to the Com-  
24 mittees on Appropriations of the House of Representatives  
25 and the Senate that adequate domestic supplies are not

1 available to meet Department of Defense requirements on  
 2 a timely basis and that such an acquisition must be made  
 3 in order to acquire capability for national security pur-  
 4 poses: *Provided further*, That, notwithstanding any other  
 5 provision of law, \$10,000,000 of the funds available under  
 6 this heading shall be available in addition to other  
 7 amounts otherwise available, only to finance the cost of  
 8 constructing additional sealift capacity.

9 TITLE VI  
 10 OTHER DEPARTMENT OF DEFENSE PROGRAMS  
 11 DEFENSE HEALTH PROGRAM

12 For expenses, not otherwise provided for, for medical  
 13 and health care programs of the Department of Defense,  
 14 as authorized by law, \$14,600,748,000, of which  
 15 \$13,916,791,000 shall be for Operation and maintenance,  
 16 of which not to exceed 2 percent shall remain available  
 17 until September 30, 2004; of which \$283,743,000, to re-  
 18 main available for obligation until September 30, 2005,  
 19 shall be for Procurement; of which \$400,214,000, to re-  
 20 main available for obligation until September 30, 2004,  
 21 shall be for Research, development, test and evaluation,  
 22 and of which not less than \$10,000,000 shall be available  
 23 for HIV prevention educational activities undertaken in  
 24 connection with U.S. military training, exercises, and hu-

1 humanitarian assistance activities conducted primarily in Af-  
2 rican nations.

3 ~~CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,~~  
4 ~~ARMY~~

5 For expenses, not otherwise provided for, necessary  
6 for the destruction of the United States stockpile of lethal  
7 chemical agents and munitions in accordance with the pro-  
8 visions of section 1412 of the Department of Defense Au-  
9 thorization Act, 1986 (50 U.S.C. 1521), and for the de-  
10 struction of other chemical warfare materials that are not  
11 in the chemical weapon stockpile, \$1,490,199,000, of  
12 which \$974,238,000 shall be for Operation and mainte-  
13 nance to remain available until September 30, 2004,  
14 \$213,278,000 shall be for Procurement to remain avail-  
15 able until September 30, 2005, and \$302,683,000 shall  
16 be for Research, development, test and evaluation to re-  
17 main available until September 30, 2004.

18 ~~DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,~~  
19 ~~DEFENSE~~

20 ~~(INCLUDING TRANSFER OF FUNDS)~~

21 For drug interdiction and counter-drug activities of  
22 the Department of Defense, for transfer to appropriations  
23 available to the Department of Defense for military per-  
24 sonnel of the reserve components serving under the provi-  
25 sions of title 10 and title 32, United States Code; for Op-

1 eration and maintenance; for Procurement; and for Re-  
 2 search, development, test and evaluation, \$859,907,000:  
 3 *Provided*, That the funds appropriated under this heading  
 4 shall be available for obligation for the same time period  
 5 and for the same purpose as the appropriation to which  
 6 transferred: *Provided further*, That upon a determination  
 7 that all or part of the funds transferred from this appro-  
 8 priation are not necessary for the purposes provided here-  
 9 in, such amounts may be transferred back to this appro-  
 10 priation: *Provided further*, That the transfer authority pro-  
 11 vided under this heading is in addition to any other trans-  
 12 fer authority contained elsewhere in this Act.

### 13 OFFICE OF THE INSPECTOR GENERAL

14 For expenses and activities of the Office of the In-  
 15 spector General in carrying out the provisions of the In-  
 16 spector General Act of 1978, as amended, \$157,165,000,  
 17 of which \$155,165,000 shall be for Operation and mainte-  
 18 nance; of which not to exceed \$700,000 is available for  
 19 emergencies and extraordinary expenses to be expended on  
 20 the approval or authority of the Inspector General; and  
 21 payments may be made on the Inspector General's certifi-  
 22 cate of necessity for confidential military purposes; and  
 23 of which \$2,000,000 to remain available until September  
 24 30, 2005, shall be for Procurement.

1 TITLE VII  
2 RELATED AGENCIES  
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
4 DISABILITY SYSTEM FUND

5 For payment to the Central Intelligence Agency Re-  
6 tirement and Disability System Fund, to maintain the  
7 proper funding level for continuing the operation of the  
8 Central Intelligence Agency Retirement and Disability  
9 System, \$212,000,000.

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT  
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Intelligence Commu-  
13 nity Management Account, \$162,254,000, of which  
14 \$24,252,000 for the Advanced Research and Development  
15 Committee shall remain available until September 30,  
16 2004: *Provided*, That of the funds appropriated under this  
17 heading, \$34,100,000 shall be transferred to the Depart-  
18 ment of Justice for the National Drug Intelligence Center  
19 to support the Department of Defense's counter-drug in-  
20 telligence responsibilities, and of the said amount,  
21 \$1,500,000 for Procurement shall remain available until  
22 September 30, 2005 and \$1,000,000 for Research, devel-  
23 opment, test and evaluation shall remain available until  
24 September 30, 2004: *Provided further*, That the National  
25 Drug Intelligence Center shall maintain the personnel and

1 technical resources to provide timely support to law en-  
 2 forcement authorities and the intelligence community by  
 3 conducting document and computer exploitation of mate-  
 4 rials collected in Federal, State, and local law enforcement  
 5 activity associated with counter-drug, counter-terrorism,  
 6 and national security investigations and operations.

7 **PAYMENT TO KAHO'OLawe**

8 **ISLAND CONVEYANCE, REMEDIATION, AND**  
 9 **ENVIRONMENTAL RESTORATION FUND**

10 For payment to Kaho'olawe Island Conveyance, Re-  
 11 mediation, and Environmental Restoration Fund, as au-  
 12 thorized by law, \$25,000,000, to remain available until ex-  
 13 pended.

14 **NATIONAL SECURITY EDUCATION TRUST FUND**

15 For the purposes of title VIII of Public Law 102-  
 16 183, \$8,000,000, to be derived from the National Security  
 17 Education Trust Fund, to remain available until ex-  
 18 pended.

19 **TITLE VIII**

20 **GENERAL PROVISIONS**

21 **SEC. 8001.** No part of any appropriation contained  
 22 in this Act shall be used for publicity or propaganda pur-  
 23 poses not authorized by the Congress.

24 **SEC. 8002.** During the current fiscal year, provisions  
 25 of law prohibiting the payment of compensation to, or em-



1 ployment of, any person not a citizen of the United States  
2 shall not apply to personnel of the Department of Defense:  
3 *Provided*, That salary increases granted to direct and indi-  
4 rect hire foreign national employees of the Department of  
5 Defense funded by this Act shall not be at a rate in excess  
6 of the percentage increase authorized by law for civilian  
7 employees of the Department of Defense whose pay is  
8 computed under the provisions of section 5332 of title 5,  
9 United States Code, or at a rate in excess of the percent-  
10 age increase provided by the appropriate host nation to  
11 its own employees, whichever is higher: *Provided further*,  
12 That this section shall not apply to Department of De-  
13 fense foreign service national employees serving at United  
14 States diplomatic missions whose pay is set by the Depart-  
15 ment of State under the Foreign Service Act of 1980: *Pro-*  
16 *vided further*, That the limitations of this provision shall  
17 not apply to foreign national employees of the Department  
18 of Defense in the Republic of Turkey.

19 SEC. 8003. No part of any appropriation contained  
20 in this Act shall remain available for obligation beyond  
21 the current fiscal year, unless expressly so provided herein.

22 SEC. 8004. No more than 20 percent of the appro-  
23 priations in this Act which are limited for obligation dur-  
24 ing the current fiscal year shall be obligated during the  
25 last 2 months of the fiscal year: *Provided*, That this sec-

tion shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropria-

1 tions for reprogramming of funds, unless for higher pri-  
 2 ority items, based on unforeseen military requirements,  
 3 than those for which originally appropriated and in no  
 4 case where the item for which reprogramming is requested  
 5 has been denied by the Congress: *Provided further*, That  
 6 a request for multiple reprogrammings of funds using au-  
 7 thority provided in this section must be made prior to May  
 8 1, 2003.

9 (TRANSFER OF FUNDS)

10 SEC. 8006. During the current fiscal year, cash bal-  
 11 ances in working capital funds of the Department of De-  
 12 fense established pursuant to section 2208 of title 10,  
 13 United States Code, may be maintained in only such  
 14 amounts as are necessary at any time for cash disburse-  
 15 ments to be made from such funds: *Provided*, That trans-  
 16 fers may be made between such funds: *Provided further*,  
 17 That transfers may be made between working capital  
 18 funds and the “Foreign Currency Fluctuations, Defense”  
 19 appropriation and the “Operation and Maintenance” ap-  
 20 propriation accounts in such amounts as may be deter-  
 21 mined by the Secretary of Defense, with the approval of  
 22 the Office of Management and Budget, except that such  
 23 transfers may not be made unless the Secretary of Defense  
 24 has notified the Congress of the proposed transfer. Except  
 25 in amounts equal to the amounts appropriated to working

1 capital funds in this Act, no obligations may be made  
2 against a working capital fund to procure or increase the  
3 value of war reserve material inventory, unless the Sec-  
4 retary of Defense has notified the Congress prior to any  
5 such obligation.

6       SEC. 8007. Funds appropriated by this Act may not  
7 be used to initiate a special access program without prior  
8 notification 30 calendar days in session in advance to the  
9 congressional defense committees.

10       SEC. 8008. None of the funds provided in this Act  
11 shall be available to initiate: (1) a multiyear contract that  
12 employs economic order quantity procurement in excess of  
13 \$20,000,000 in any 1 year of the contract or that includes  
14 an unfunded contingent liability in excess of \$20,000,000;  
15 or (2) a contract for advance procurement leading to a  
16 multiyear contract that employs economic order quantity  
17 procurement in excess of \$20,000,000 in any 1 year, un-  
18 less the congressional defense committees have been noti-  
19 fied at least 30 days in advance of the proposed contract  
20 award: *Provided*, That no part of any appropriation con-  
21 tained in this Act shall be available to initiate a multiyear  
22 contract for which the economic order quantity advance  
23 procurement is not funded at least to the limits of the  
24 Government's liability: *Provided further*, That no part of  
25 any appropriation contained in this Act shall be available

1 to initiate multiyear procurement contracts for any sys-  
 2 tems or component thereof if the value of the multiyear  
 3 contract would exceed \$500,000,000 unless specifically  
 4 provided in this Act: *Provided further*, That no multiyear  
 5 procurement contract can be terminated without 10-day  
 6 prior notification to the congressional defense committees:  
 7 *Provided further*, That the execution of multiyear author-  
 8 ity shall require the use of a present value analysis to de-  
 9 termine lowest cost compared to an annual procurement.

10 Funds appropriated in title III of this Act may be  
 11 used for multiyear procurement contracts as follows:

12 ~~C-130~~ aircraft; and

13 ~~F/A-18E~~ and F engine.

14 SEC. 8009. Within the funds appropriated for the op-  
 15 eration and maintenance of the Armed Forces, funds are  
 16 hereby appropriated pursuant to section 401 of title 10,  
 17 United States Code, for humanitarian and civic assistance  
 18 costs under chapter 20 of title 10, United States Code.  
 19 Such funds may also be obligated for humanitarian and  
 20 civic assistance costs incidental to authorized operations  
 21 and pursuant to authority granted in section 401 of chap-  
 22 ter 20 of title 10, United States Code, and these obliga-  
 23 tions shall be reported to the Congress as of September  
 24 30 of each year: *Provided*, That funds available for oper-  
 25 ation and maintenance shall be available for providing hu-

1   manitarian and similar assistance by using Civic Action  
2   Teams in the Trust Territories of the Pacific Islands and  
3   freely associated states of Micronesia, pursuant to the  
4   Compact of Free Association as authorized by Public Law  
5   99-239: *Provided further*, That upon a determination by  
6   the Secretary of the Army that such action is beneficial  
7   for graduate medical education programs conducted at  
8   Army medical facilities located in Hawaii, the Secretary  
9   of the Army may authorize the provision of medical serv-  
10   ices at such facilities and transportation to such facilities,  
11   on a nonreimbursable basis, for civilian patients from  
12   American Samoa, the Commonwealth of the Northern  
13   Mariana Islands, the Marshall Islands, the Federated  
14   States of Micronesia, Palau, and Guam.

15       SEC. 8010. (a) During fiscal year 2003, the civilian  
16   personnel of the Department of Defense may not be man-  
17   aged on the basis of any end-strength, and the manage-  
18   ment of such personnel during that fiscal year shall not  
19   be subject to any constraint or limitation (known as an  
20   end-strength) on the number of such personnel who may  
21   be employed on the last day of such fiscal year.

22       (b) The fiscal year 2004 budget request for the De-  
23   partment of Defense as well as all justification material  
24   and other documentation supporting the fiscal year 2004  
25   Department of Defense budget request shall be prepared

1 and submitted to the Congress as if subsections (a) and  
2 (b) of this provision were effective with regard to fiscal  
3 year 2004.

4 (c) Nothing in this section shall be construed to apply  
5 to military (civilian) technicians.

6 SEC. 8011. Notwithstanding any other provision of  
7 law, none of the funds made available by this Act shall  
8 be used by the Department of Defense to exceed, outside  
9 the 50 United States, its territories, and the District of  
10 Columbia, 125,000 civilian workyears: *Provided*, That  
11 workyears shall be applied as defined in the Federal Per-  
12 sonnel Manual: *Provided further*, That workyears ex-  
13 pended in dependent student hiring programs for dis-  
14 advantaged youths shall not be included in this workyear  
15 limitation.

16 SEC. 8012. None of the funds made available by this  
17 Act shall be used in any way, directly or indirectly, to in-  
18 fluence congressional action on any legislation or appro-  
19 priation matters pending before the Congress.

20 SEC. 8013. None of the funds appropriated by this  
21 Act shall be available for the basic pay and allowances of  
22 any member of the Army participating as a full-time stu-  
23 dent and receiving benefits paid by the Secretary of Vet-  
24 erans Affairs from the Department of Defense Education  
25 Benefits Fund when time spent as a full-time student is

1 credited toward completion of a service commitment: *Pro-*  
 2 *vided*, That this subsection shall not apply to those mem-  
 3 bers who have reenlisted with this option prior to October  
 4 1, 1987: *Provided further*, That this subsection applies  
 5 only to active components of the Army.

6       SEC. 8014. None of the funds appropriated by this  
 7 Act shall be available to convert to contractor performance  
 8 an activity or function of the Department of Defense that,  
 9 on or after the date of the enactment of this Act, is per-  
 10 formed by more than 10 Department of Defense civilian  
 11 employees until a most efficient and cost-effective organi-  
 12 zation analysis is completed on such activity or function  
 13 and certification of the analysis is made to the Committees  
 14 on Appropriations of the House of Representatives and the  
 15 Senate: *Provided*, That this section and subsections (a),  
 16 (b), and (c) of 10 U.S.C. 2461 shall not apply to a com-  
 17 mercial or industrial type function of the Department of  
 18 Defense that: (1) is included on the procurement list es-  
 19 tablished pursuant to section 2 of the Act of June 25,  
 20 1938 (41 U.S.C. 47), popularly referred to as the Javits-  
 21 Wagner-O'Day Act; (2) is planned to be converted to per-  
 22 formance by a qualified nonprofit agency for the blind or  
 23 by a qualified nonprofit agency for other severely handi-  
 24 capped individuals in accordance with that Act; or (3) is  
 25 planned to be converted to performance by a qualified firm



1 under 51 percent ownership by an Indian tribe, as defined  
2 in section 450b(e) of title 25, United States Code, or a  
3 Native Hawaiian organization, as defined in section  
4 637(a)(15) of title 15, United States Code.

5 (TRANSFER OF FUNDS)

6 SEC. 8015. Funds appropriated in title III of this Act  
7 for the Department of Defense Pilot Mentor-Protege Pro-  
8 gram may be transferred to any other appropriation con-  
9 tained in this Act solely for the purpose of implementing  
10 a Mentor-Protege Program developmental assistance  
11 agreement pursuant to section 831 of the National De-  
12 fense Authorization Act for Fiscal Year 1991 (Public Law  
13 101-510; 10 U.S.C. 2301 note), as amended, under the  
14 authority of this provision or any other transfer authority  
15 contained in this Act.

16 SEC. 8016. None of the funds in this Act may be  
17 available for the purchase by the Department of Defense  
18 (and its departments and agencies) of welded shipboard  
19 anchor and mooring chain 4 inches in diameter and under  
20 unless the anchor and mooring chain are manufactured  
21 in the United States from components which are substan-  
22 tially manufactured in the United States: *Provided*, That  
23 for the purpose of this section manufactured will include  
24 cutting, heat treating, quality control, testing of chain and  
25 welding (including the forging and shot blasting process):

1 *Provided further*, That for the purpose of this section sub-  
2 stantially all of the components of anchor and mooring  
3 chain shall be considered to be produced or manufactured  
4 in the United States if the aggregate cost of the compo-  
5 nents produced or manufactured in the United States ex-  
6 ceeds the aggregate cost of the components produced or  
7 manufactured outside the United States: *Provided further*,  
8 That when adequate domestic supplies are not available  
9 to meet Department of Defense requirements on a timely  
10 basis, the Secretary of the service responsible for the pro-  
11 curement may waive this restriction on a case-by-case  
12 basis by certifying in writing to the Committees on Appro-  
13 priations that such an acquisition must be made in order  
14 to acquire capability for national security purposes.

15       SEC. 8017. None of the funds appropriated by this  
16 Act available for the Civilian Health and Medical Program  
17 of the Uniformed Services (CHAMPUS) or TRICARE  
18 shall be available for the reimbursement of any health care  
19 provider for inpatient mental health service for care re-  
20 ceived when a patient is referred to a provider of inpatient  
21 mental health care or residential treatment care by a med-  
22 ical or health care professional having an economic inter-  
23 est in the facility to which the patient is referred: *Pro-*  
24 *vided*, That this limitation does not apply in the case of  
25 inpatient mental health services provided under the pro-

1 gram for persons with disabilities under subsection (d) of  
2 section 1079 of title 10, United States Code, provided as  
3 partial hospital care, or provided pursuant to a waiver au-  
4 thorized by the Secretary of Defense because of medical  
5 or psychological circumstances of the patient that are con-  
6 firmed by a health professional who is not a Federal em-  
7 ployee after a review, pursuant to rules prescribed by the  
8 Secretary, which takes into account the appropriate level  
9 of care for the patient, the intensity of services required  
10 by the patient, and the availability of that care.

11 SEC. 8018. Notwithstanding any other provision of  
12 law, during the current fiscal year, the Secretary of De-  
13 fense may, by executive agreement, establish with host na-  
14 tion governments in NATO member states a separate ac-  
15 count into which such residual value amounts negotiated  
16 in the return of United States military installations in  
17 NATO member states may be deposited, in the currency  
18 of the host nation, in lieu of direct monetary transfers to  
19 the United States Treasury: *Provided*, That such credits  
20 may be utilized only for the construction of facilities to  
21 support United States military forces in that host nation,  
22 or such real property maintenance and base operating  
23 costs that are currently executed through monetary trans-  
24 fers to such host nations: *Provided further*, That the De-  
25 partment of Defense's budget submission for fiscal year

1 2004 shall identify such sums anticipated in residual value  
2 settlements, and identify such construction, real property  
3 maintenance or base operating costs that shall be funded  
4 by the host nation through such credits: *Provided further,*  
5 That all military construction projects to be executed from  
6 such accounts must be previously approved in a prior Act  
7 of Congress: *Provided further,* That each such executive  
8 agreement with a NATO member host nation shall be re-  
9 ported to the congressional defense committees, the Com-  
10 mittee on International Relations of the House of Rep-  
11 resentatives and the Committee on Foreign Relations of  
12 the Senate 30 days prior to the conclusion and endorse-  
13 ment of any such agreement established under this provi-  
14 sion.

15 SEC. 8019. None of the funds available to the De-  
16 partment of Defense may be used to demilitarize or dis-  
17 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,  
18 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

19 SEC. 8020. No more than \$500,000 of the funds ap-  
20 propriated or made available in this Act shall be used dur-  
21 ing a single fiscal year for any single relocation of an orga-  
22 nization, unit, activity or function of the Department of  
23 Defense into or within the National Capital Region: *Pro-*  
24 *vided,* That the Secretary of Defense may waive this re-  
25 striction on a case-by-case basis by certifying in writing

1 to the congressional defense committees that such a relo-  
2 cation is required in the best interest of the Government.

3       ~~SEC. 8021.~~ In addition to the funds provided else-  
4 where in this Act, \$8,000,000 is appropriated only for in-  
5 centive payments authorized by section 504 of the Indian  
6 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That  
7 a subcontractor at any tier shall be considered a con-  
8 tractor for the purposes of being allowed additional com-  
9 pensation under section 504 of the Indian Financing Act  
10 of 1974 (25 U.S.C. 1544).

11       ~~SEC. 8022.~~ None of the funds appropriated by this  
12 Act shall be available to perform any cost study pursuant  
13 to the provisions of OMB Circular A-76 if the study being  
14 performed exceeds a period of 24 months after initiation  
15 of such study with respect to a single function activity or  
16 48 months after initiation of such study for a multi-func-  
17 tion activity.

18       ~~SEC. 8023.~~ Funds appropriated by this Act for the  
19 American Forces Information Service shall not be used for  
20 any national or international political or psychological ac-  
21 tivities.

22       ~~SEC. 8024.~~ Notwithstanding any other provision of  
23 law or regulation, the Secretary of Defense may adjust  
24 wage rates for civilian employees hired for certain health  
25 care occupations as authorized for the Secretary of Vet-

1 erans Affairs by section 7455 of title 38, United States  
2 Code.

3       SEC. 8025. (a) Of the funds for the procurement of  
4 supplies or services appropriated by this Act, qualified  
5 nonprofit agencies for the blind or other severely handi-  
6 capped shall be afforded the maximum practicable oppor-  
7 tunity to participate as subcontractors and suppliers in the  
8 performance of contracts let by the Department of De-  
9 fense.

10       (b) During the current fiscal year, a business concern  
11 which has negotiated with a military service or defense  
12 agency a subcontracting plan for the participation by  
13 small business concerns pursuant to section 8(d) of the  
14 Small Business Act (15 U.S.C. 637(d)) shall be given  
15 credit toward meeting that subcontracting goal for any  
16 purchases made from qualified nonprofit agencies for the  
17 blind or other severely handicapped.

18       (c) For the purpose of this section, the phrase “quali-  
19 fied nonprofit agency for the blind or other severely handi-  
20 capped” means a nonprofit agency for the blind or other  
21 severely handicapped that has been approved by the Com-  
22 mittee for the Purchase from the Blind and Other Severely  
23 Handicapped under the Javits-Wagner-O’Day Act (41  
24 U.S.C. 46–48).

1       ~~SEC. 8026.~~ During the current fiscal year, net re-  
2       ceipts pursuant to collections from third party payers pur-  
3       suant to section ~~1095~~ of title 10, United States Code, shall  
4       be made available to the local facility of the uniformed  
5       services responsible for the collections and shall be over  
6       and above the facility's direct budget amount.

7       ~~SEC. 8027.~~ During the current fiscal year, and from  
8       any funds available to the Department of Defense, the De-  
9       partment is authorized to incur obligations of not to ex-  
10      ceed ~~\$350,000,000~~ for purposes specified in section  
11      ~~2350j(e)~~ of title 10, United States Code, in anticipation  
12      of receipt of contributions, only from the Government of  
13      Kuwait, under that section: *Provided*, That upon receipt,  
14      such contributions from the Government of Kuwait shall  
15      be credited to the appropriations or fund which incurred  
16      such obligations.

17      ~~SEC. 8028.~~ Of the funds made available in this Act,  
18      not less than ~~\$23,003,000~~ shall be available for the Civil  
19      Air Patrol Corporation, of which ~~\$21,503,000~~ shall be  
20      available for Civil Air Patrol Corporation operation and  
21      maintenance to support readiness activities which includes  
22      ~~\$1,500,000~~ for the Civil Air Patrol counterdrug program:  
23      *Provided*, That funds identified for "Civil Air Patrol"  
24      under this section are intended for and shall be for the

1 exclusive use of the Civil Air Patrol Corporation and not  
2 for the Air Force or any unit thereof.

3       ~~SEC. 8029. (a) None of the funds appropriated in this~~  
4 ~~Act are available to establish a new Department of De-~~  
5 ~~fense (department) federally funded research and develop-~~  
6 ~~ment center (FFRDC), either as a new entity, or as a~~  
7 ~~separate entity administrated by an organization man-~~  
8 ~~aging another FFRDC, or as a nonprofit membership cor-~~  
9 ~~poration consisting of a consortium of other FFRDCs and~~  
10 ~~other non-profit entities.~~

11       ~~(b) No member of a Board of Directors, Trustees,~~  
12 ~~Overseers, Advisory Group, Special Issues Panel, Visiting~~  
13 ~~Committee, or any similar entity of a defense FFRDC,~~  
14 ~~and no paid consultant to any defense FFRDC, except~~  
15 ~~when acting in a technical advisory capacity, may be com-~~  
16 ~~pensated for his or her services as a member of such enti-~~  
17 ~~ty, or as a paid consultant by more than one FFRDC in~~  
18 ~~a fiscal year: *Provided*, That a member of any such entity~~  
19 ~~referred to previously in this subsection shall be allowed~~  
20 ~~travel expenses and per diem as authorized under the Fed-~~  
21 ~~eral Joint Travel Regulations, when engaged in the per-~~  
22 ~~formance of membership duties.~~

23       ~~(c) Notwithstanding any other provision of law, none~~  
24 ~~of the funds available to the department from any source~~  
25 ~~during fiscal year 2003 may be used by a defense FFRDC,~~



1 through a fee or other payment mechanism, for construc-  
2 tion of new buildings, for payment of cost sharing for  
3 projects funded by Government grants, for absorption of  
4 contract overruns, or for certain charitable contributions;  
5 not to include employee participation in community service  
6 and/or development.

7 (d) Notwithstanding any other provision of law, of  
8 the funds available to the department during fiscal year  
9 2003, not more than 6,277 staff years of technical effort  
10 (staff years) may be funded for defense FFRDCs: *Pro-*  
11 *vided*, That of the specific amount referred to previously  
12 in this subsection, not more than 1,029 staff years may  
13 be funded for the defense studies and analysis FFRDCs.

14 (e) The Secretary of Defense shall, with the submis-  
15 sion of the department's fiscal year 2004 budget request,  
16 submit a report presenting the specific amounts of staff  
17 years of technical effort to be allocated for each defense  
18 FFRDC during that fiscal year.

19 SEC. 8030. None of the funds appropriated or made  
20 available in this Act shall be used to procure carbon, alloy  
21 or armor steel plate for use in any Government-owned fa-  
22 cility or property under the control of the Department of  
23 Defense which were not melted and rolled in the United  
24 States or Canada: *Provided*, That these procurement re-  
25 strictions shall apply to any and all Federal Supply Class

1 9515, American Society of Testing and Materials (ASTM)  
2 or American Iron and Steel Institute (AISI) specifications  
3 of carbon, alloy or armor steel plate: *Provided further*,  
4 That the Secretary of the military department responsible  
5 for the procurement may waive this restriction on a case-  
6 by-case basis by certifying in writing to the Committees  
7 on Appropriations of the House of Representatives and the  
8 Senate that adequate domestic supplies are not available  
9 to meet Department of Defense requirements on a timely  
10 basis and that such an acquisition must be made in order  
11 to acquire capability for national security purposes: *Pro-*  
12 *vided further*, That these restrictions shall not apply to  
13 contracts which are in being as of the date of the enact-  
14 ment of this Act.

15 SEC. 8031. For the purposes of this Act, the term  
16 “congressional defense committees” means the Armed  
17 Services Committee of the House of Representatives, the  
18 Armed Services Committee of the Senate, the Sub-  
19 committee on Defense of the Committee on Appropriations  
20 of the Senate, and the Subcommittee on Defense of the  
21 Committee on Appropriations of the House of Representa-  
22 tives.

23 SEC. 8032. During the current fiscal year, the De-  
24 partment of Defense may acquire the modification, depot  
25 maintenance and repair of aircraft, vehicles and vessels

1 as well as the production of components and other De-  
2 fense-related articles; through competition between De-  
3 partment of Defense depot maintenance activities and pri-  
4 vate firms: *Provided*, That the Senior Acquisition Execu-  
5 tive of the military department or defense agency con-  
6 cerned, with power of delegation, shall certify that success-  
7 ful bids include comparable estimates of all direct and in-  
8 direct costs for both public and private bids: *Provided fur-*  
9 *ther*, That Office of Management and Budget Circular A-  
10 76 shall not apply to competitions conducted under this  
11 section.

12 SEC. 8033. (a)(1) If the Secretary of Defense, after  
13 consultation with the United States Trade Representative,  
14 determines that a foreign country which is party to an  
15 agreement described in paragraph (2) has violated the  
16 terms of the agreement by discriminating against certain  
17 types of products produced in the United States that are  
18 covered by the agreement, the Secretary of Defense shall  
19 rescind the Secretary's blanket waiver of the Buy Amer-  
20 ican Act with respect to such types of products produced  
21 in that foreign country.

22 (2) An agreement referred to in paragraph (1) is any  
23 reciprocal defense procurement memorandum of under-  
24 standing, between the United States and a foreign country  
25 pursuant to which the Secretary of Defense has prospec-

1 tively waived the Buy American Act for certain products  
2 in that country.

3 (b) The Secretary of Defense shall submit to the Con-  
4 gress a report on the amount of Department of Defense  
5 purchases from foreign entities in fiscal year 2002. Such  
6 report shall separately indicate the dollar value of items  
7 for which the Buy American Act was waived pursuant to  
8 any agreement described in subsection (a)(2), the Trade  
9 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
10 international agreement to which the United States is a  
11 party.

12 (c) For purposes of this section, the term “Buy  
13 American Act” means title III of the Act entitled “An Act  
14 making appropriations for the Treasury and Post Office  
15 Departments for the fiscal year ending June 30, 1934,  
16 and for other purposes”, approved March 3, 1933 (41  
17 U.S.C. 10a et seq.).

18 SEC. 8034. Appropriations contained in this Act that  
19 remain available at the end of the current fiscal year as  
20 a result of energy cost savings realized by the Department  
21 of Defense shall remain available for obligation for the  
22 next fiscal year to the extent, and for the purposes, pro-  
23 vided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8035. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 40 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 40 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available for “Drug Interdiction and Counter-Drug Activities, Defense” may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any

1 conflicts among requests of Indian tribes for housing units  
2 under subsection (a) before submitting requests to the  
3 Secretary of the Air Force under subsection (b).

4 (d) INDIAN TRIBE DEFINED.—In this section, the  
5 term “Indian tribe” means any recognized Indian tribe in-  
6 cluded on the current list published by the Secretary of  
7 the Interior under section 104 of the federally Recognized  
8 Indian Tribe Act of 1994 (Public Law 103–454, 108 Stat.  
9 4792; 25 U.S.C. 479a–1).

10 SEC. 8040. During the current fiscal year, appropria-  
11 tions which are available to the Department of Defense  
12 for operation and maintenance may be used to purchase  
13 items having an investment item unit cost of not more  
14 than \$100,000.

15 SEC. 8041. (a) During the current fiscal year, none  
16 of the appropriations or funds available to the Department  
17 of Defense Working Capital Funds shall be used for the  
18 purchase of an investment item for the purpose of acquir-  
19 ing a new inventory item for sale or anticipated sale dur-  
20 ing the current fiscal year or a subsequent fiscal year to  
21 customers of the Department of Defense Working Capital  
22 Funds if such an item would not have been chargeable  
23 to the Department of Defense Business Operations Fund  
24 during fiscal year 1994 and if the purchase of such an  
25 investment item would be chargeable during the current

1 fiscal year to appropriations made to the Department of  
2 Defense for procurement.

3       (b) The fiscal year 2004 budget request for the De-  
4 partment of Defense as well as all justification material  
5 and other documentation supporting the fiscal year 2004  
6 Department of Defense budget shall be prepared and sub-  
7 mitted to the Congress on the basis that any equipment  
8 which was classified as an end item and funded in a pro-  
9 curement appropriation contained in this Act shall be  
10 budgeted for in a proposed fiscal year 2004 procurement  
11 appropriation and not in the supply management business  
12 area or any other area or category of the Department of  
13 Defense Working Capital Funds.

14       SEC. 8042. None of the funds appropriated by this  
15 Act for programs of the Central Intelligence Agency shall  
16 remain available for obligation beyond the current fiscal  
17 year, except for funds appropriated for the Reserve for  
18 Contingencies, which shall remain available until Sep-  
19 tember 30, 2004: *Provided*, That funds appropriated,  
20 transferred, or otherwise credited to the Central Intel-  
21 ligence Agency Central Services Working Capital Fund  
22 during this or any prior or subsequent fiscal year shall  
23 remain available until expended: *Provided further*, That  
24 any funds appropriated or transferred to the Central Intel-  
25 ligence Agency for agent operations and for covert action



1 programs authorized by the President under section 503  
2 of the National Security Act of 1947, as amended, shall  
3 remain available until September 30, 2004.

4       ~~SEC. 8043.~~ Notwithstanding any other provision of  
5 law, funds made available in this Act for the Defense In-  
6 telligence Agency may be used for the design, develop-  
7 ment, and deployment of General Defense Intelligence  
8 Program intelligence communications and intelligence in-  
9 formation systems for the Services, the Unified and Spec-  
10 ified Commands, and the component commands.

11       ~~SEC. 8044.~~ Of the funds appropriated to the Depart-  
12 ment of Defense under the heading “Operation and Main-  
13 tenance, Defense-Wide”, not less than \$10,000,000 shall  
14 be made available only for the mitigation of environmental  
15 impacts, including training and technical assistance to  
16 tribes, related administrative support, the gathering of in-  
17 formation, documenting of environmental damage, and de-  
18 veloping a system for prioritization of mitigation and cost  
19 to complete estimates for mitigation, on Indian lands re-  
20 sulting from Department of Defense activities.

21       ~~SEC. 8045.~~ Amounts collected for the use of the fa-  
22 cilities of the National Science Center for Communications  
23 and Electronics during the current fiscal year and here-  
24 after pursuant to section 1459(g) of the Department of  
25 Defense Authorization Act, 1986, and deposited to the

1 special account established under subsection 1459(g)(2) of  
2 that Act are appropriated and shall be available until ex-  
3 pended for the operation and maintenance of the Center  
4 as provided for in subsection 1459(g)(2).

5       SEC. 8046. (a) None of the funds appropriated in this  
6 Act may be expended by an entity of the Department of  
7 Defense unless the entity, in expending the funds, com-  
8 plies with the Buy American Act. For purposes of this  
9 subsection, the term “Buy American Act” means title III  
10 of the Act entitled “An Act making appropriations for the  
11 Treasury and Post Office Departments for the fiscal year  
12 ending June 30, 1934, and for other purposes”, approved  
13 March 3, 1933 (41 U.S.C. 10a et seq.).

14       (b) If the Secretary of Defense determines that a per-  
15 son has been convicted of intentionally affixing a label  
16 bearing a “Made in America” inscription to any product  
17 sold in or shipped to the United States that is not made  
18 in America, the Secretary shall determine, in accordance  
19 with section 2410f of title 10, United States Code, wheth-  
20 er the person should be debarred from contracting with  
21 the Department of Defense.

22       (c) In the case of any equipment or products pur-  
23 chased with appropriations provided under this Act, it is  
24 the sense of the Congress that any entity of the Depart-  
25 ment of Defense, in expending the appropriation, purchase

1 only American-made equipment and products, provided  
2 that American-made equipment and products are cost-  
3 competitive, quality-competitive, and available in a timely  
4 fashion.

5 SEC. 8047. None of the funds appropriated by this  
6 Act shall be available for a contract for studies, analysis,  
7 or consulting services entered into without competition on  
8 the basis of an unsolicited proposal unless the head of the  
9 activity responsible for the procurement determines—

10 (1) as a result of thorough technical evaluation;  
11 only one source is found fully qualified to perform  
12 the proposed work;

13 (2) the purpose of the contract is to explore an  
14 unsolicited proposal which offers significant sci-  
15 entific or technological promise, represents the prod-  
16 uct of original thinking, and was submitted in con-  
17 fidence by one source; or

18 (3) the purpose of the contract is to take ad-  
19 vantage of unique and significant industrial accom-  
20 plishment by a specific concern, or to insure that a  
21 new product or idea of a specific concern is given fi-  
22 nancial support.

23 *Provided*, That this limitation shall not apply to contracts  
24 in an amount of less than \$25,000, contracts related to  
25 improvements of equipment that is in development or pro-

1 duction, or contracts as to which a civilian official of the  
2 Department of Defense, who has been confirmed by the  
3 Senate, determines that the award of such contract is in  
4 the interest of the national defense.

5 SEC. 8048. (a) Except as provided in subsections (b)  
6 and (c), none of the funds made available by this Act may  
7 be used—

8 (1) to establish a field operating agency; or

9 (2) to pay the basic pay of a member of the  
10 Armed Forces or civilian employee of the depart-  
11 ment who is transferred or reassigned from a head-  
12 quarters activity if the member or employee's place  
13 of duty remains at the location of that headquarters.

14 (b) The Secretary of Defense or Secretary of a mili-  
15 tary department may waive the limitations in subsection  
16 (a), on a case-by-case basis, if the Secretary determines,  
17 and certifies to the Committees on Appropriations of the  
18 House of Representatives and Senate that the granting  
19 of the waiver will reduce the personnel requirements or  
20 the financial requirements of the department.

21 (c) This section does not apply to field operating  
22 agencies funded within the National Foreign Intelligence  
23 Program.

24 SEC. 8049. Notwithstanding section 303 of Public  
25 Law 96-487 or any other provision of law, the Secretary

1 of the Navy is authorized to lease real and personal prop-  
 2 erty at Naval Air Facility, Adak, Alaska, pursuant to 40  
 3 U.S.C. 2667(f), for commercial, industrial or other pur-  
 4 poses: *Provided*, That notwithstanding any other provision  
 5 of law, the Secretary of the Navy may remove hazardous  
 6 materials from facilities, buildings, and structures at  
 7 Adak, Alaska, and may demolish or otherwise dispose of  
 8 such facilities, buildings, and structures.

9 (RESCISSIONS)

10 SEC. 8050. Of the funds provided in Department of  
 11 Defense Appropriations Acts, the following funds are here-  
 12 by rescinded from the following accounts and programs  
 13 in the specified amounts:

14 “Aircraft Procurement, Army, 2002/2004”,  
 15 \$3,000,000;

16 “Missile Procurement, Army, 2002/2004”,  
 17 \$28,350,000;

18 “Procurement of Weapons and Tracked Combat  
 19 Vehicles, Army, 2002/2004”, \$9,500,000;

20 “Procurement of Ammunition, Army, 2002/  
 21 2004”, \$25,500,000;

22 “Procurement, Marine Corps, 2002/2004”,  
 23 \$4,682,000;

24 “Aircraft Procurement, Air Force, 2002/2004”,  
 25 \$23,500,000;

1           ~~“Missile Procurement, Air Force, 2002/2004”,~~  
2       ~~\$26,900,000;~~  
3           ~~“Research, Development, Test and Evaluation,~~  
4       ~~Army, 2002/2003”, \$2,500,000;~~  
5           ~~“Research, Development, Test and Evaluation,~~  
6       ~~Navy, 2002/2003”, \$2,000,000; and~~  
7           ~~“Research, Development, Test and Evaluation,~~  
8       ~~Air Force, 2002/2003”, \$67,000,000.~~

9       ~~SEC. 8051. None of the funds available in this Act~~  
10   ~~may be used to reduce the authorized positions for mili-~~  
11   ~~tary (civilian) technicians of the Army National Guard,~~  
12   ~~the Air National Guard, Army Reserve and Air Force Re-~~  
13   ~~serve for the purpose of applying any administratively im-~~  
14   ~~posed civilian personnel ceiling, freeze, or reduction on~~  
15   ~~military (civilian) technicians, unless such reductions are~~  
16   ~~a direct result of a reduction in military force structure.~~

17       ~~SEC. 8052. None of the funds appropriated or other-~~  
18   ~~wise made available in this Act may be obligated or ex-~~  
19   ~~pended for assistance to the Democratic People’s Republic~~  
20   ~~of North Korea unless specifically appropriated for that~~  
21   ~~purpose.~~

22       ~~SEC. 8053. During the current fiscal year, funds ap-~~  
23   ~~propriated in this Act are available to compensate mem-~~  
24   ~~bers of the National Guard for duty performed pursuant~~  
25   ~~to a plan submitted by a Governor of a State and approved~~

1 by the Secretary of Defense under section 112 of title 32,  
2 United States Code: *Provided*, That during the perform-  
3 ance of such duty, the members of the National Guard  
4 shall be under State command and control: *Provided fur-*  
5 *ther*, That such duty shall be treated as full-time National  
6 Guard duty for purposes of sections 12602(a)(2) and  
7 (b)(2) of title 10, United States Code.

8       SEC. 8054. Funds appropriated in this Act for oper-  
9 ation and maintenance of the Military Departments, Com-  
10 batant Commands and Defense Agencies shall be available  
11 for reimbursement of pay, allowances and other expenses  
12 which would otherwise be incurred against appropriations  
13 for the National Guard and Reserve when members of the  
14 National Guard and Reserve provide intelligence or coun-  
15 terintelligence support to Combatant Commands, Defense  
16 Agencies and Joint Intelligence Activities, including the  
17 activities and programs included within the National For-  
18 eign Intelligence Program (NFIP), the Joint Military In-  
19 telligence Program (JMIP), and the Tactical Intelligence  
20 and Related Activities (TIARA) aggregate: *Provided*, That  
21 nothing in this section authorizes deviation from estab-  
22 lished Reserve and National Guard personnel and training  
23 procedures.

24       SEC. 8055. During the current fiscal year, none of  
25 the funds appropriated in this Act may be used to reduce

1 the civilian medical and medical support personnel as-  
2 signed to military treatment facilities below the September  
3 30, 2002 level: *Provided*, That the Service Surgeons Gen-  
4 eral may waive this section by certifying to the congres-  
5 sional defense committees that the beneficiary population  
6 is declining in some catchment areas and civilian strength  
7 reductions may be consistent with responsible resource  
8 stewardship and capitation-based budgeting.

9       SEC. 8056. (a) LIMITATION ON PENTAGON RENOVA-  
10 TION COSTS.—Not later than the date each year on which  
11 the President submits to Congress the budget under sec-  
12 tion 1105 of title 31, United States Code, the Secretary  
13 of Defense shall submit to Congress a certification that  
14 the total cost for the planning, design, construction, and  
15 installation of equipment for the renovation of wedges 2  
16 through 5 of the Pentagon Reservation, cumulatively, will  
17 not exceed four times the total cost for the planning, de-  
18 sign, construction, and installation of equipment for the  
19 renovation of wedge 1.

20       (b) ANNUAL ADJUSTMENT.—For purposes of apply-  
21 ing the limitation in subsection (a), the Secretary shall  
22 adjust the cost for the renovation of wedge 1 by any in-  
23 crease or decrease in costs attributable to economic infla-  
24 tion, based on the most recent economic assumptions  
25 issued by the Office of Management and Budget for use



1 in preparation of the budget of the United States under  
2 section 1104 of title 31, United States Code.

3 ~~(c) EXCLUSION OF CERTAIN COSTS.—~~For purposes  
4 of calculating the limitation in subsection (a), the total  
5 cost for wedges 2 through 5 shall not include—

6 ~~(1) any repair or reconstruction cost incurred~~  
7 ~~as a result of the terrorist attack on the Pentagon~~  
8 ~~that occurred on September 11, 2001;~~

9 ~~(2) any increase in costs for wedges 2 through~~  
10 ~~5 attributable to compliance with new requirements~~  
11 ~~of Federal, State, or local laws; and~~

12 ~~(3) any increase in costs attributable to addi-~~  
13 ~~tional security requirements that the Secretary of~~  
14 ~~Defense considers essential to provide a safe and se-~~  
15 ~~ure working environment.~~

16 ~~(d) CERTIFICATION COST REPORTS.—~~As part of the  
17 annual certification under subsection (a), the Secretary  
18 shall report the projected cost (as of the time of the certifi-  
19 cation) for—

20 ~~(1) the renovation of each wedge, including the~~  
21 ~~amount adjusted or otherwise excluded for such~~  
22 ~~wedge under the authority of paragraphs (2) and (3)~~  
23 ~~of subsection (c) for the period covered by the cer-~~  
24 ~~tification; and~~

1           (2) the repair and reconstruction of wedges 1  
2           and 2 in response to the terrorist attack on the Pen-  
3           tagon that occurred on September 11, 2001.

4           (c) DURATION OF CERTIFICATION REQUIREMENT.—

5           The requirement to make an annual certification under  
6           subsection (a) shall apply until the Secretary certifies to  
7           Congress that the renovation of the Pentagon Reservation  
8           is completed.

9           SEC. 8057. Notwithstanding any other provision of  
10          law, that not more than 35 percent of funds provided in  
11          this Act for environmental remediation may be obligated  
12          under indefinite delivery/indefinite quantity contracts with  
13          a total contract value of \$130,000,000 or higher.

14          SEC. 8058. (a) None of the funds available to the  
15          Department of Defense for any fiscal year for drug inter-  
16          diction or counter-drug activities may be transferred to  
17          any other department or agency of the United States ex-  
18          cept as specifically provided in an appropriations law.

19          (b) None of the funds available to the Central Intel-  
20          ligence Agency for any fiscal year for drug interdiction  
21          and counter-drug activities may be transferred to any  
22          other department or agency of the United States except  
23          as specifically provided in an appropriations law.

## (TRANSFER OF FUNDS)

1  
2 SEC. 8059. Appropriations available in this Act under  
3 the heading “Operation and Maintenance, Defense-Wide”  
4 for increasing energy and water efficiency in Federal  
5 buildings may, during their period of availability, be trans-  
6 ferred to other appropriations or funds of the Department  
7 of Defense for projects related to increasing energy and  
8 water efficiency, to be merged with and to be available  
9 for the same general purposes, and for the same time pe-  
10 riod, as the appropriation or fund to which transferred.

11 SEC. 8060. None of the funds appropriated by this  
12 Act may be used for the procurement of ball and roller  
13 bearings other than those produced by a domestic source  
14 and of domestic origin: *Provided*, That the Secretary of  
15 the military department responsible for such procurement  
16 may waive this restriction on a case-by-case basis by certi-  
17 fying in writing to the Committees on Appropriations of  
18 the House of Representatives and the Senate, that ade-  
19 quate domestic supplies are not available to meet Depart-  
20 ment of Defense requirements on a timely basis and that  
21 such an acquisition must be made in order to acquire ca-  
22 pability for national security purposes: *Provided further*,  
23 That this restriction shall not apply to the purchase of  
24 “commercial items”, as defined by section 4(12) of the  
25 Office of Federal Procurement Policy Act, except that the

1 restriction shall apply to ball or roller bearings purchased  
2 as end items.

3       ~~SEC. 8061.~~ Notwithstanding any other provision of  
4 law, funds available to the Department of Defense shall  
5 be made available to provide transportation of medical  
6 supplies and equipment, on a nonreimbursable basis, to  
7 American Samoa, and funds available to the Department  
8 of Defense shall be made available to provide transpor-  
9 tation of medical supplies and equipment, on a non-  
10 reimbursable basis, to the Indian Health Service when it  
11 is in conjunction with a civil-military project.

12       ~~SEC. 8062.~~ None of the funds in this Act may be  
13 used to purchase any supercomputer which is not manu-  
14 factured in the United States, unless the Secretary of De-  
15 fense certifies to the congressional defense committees  
16 that such an acquisition must be made in order to acquire  
17 capability for national security purposes that is not avail-  
18 able from United States manufacturers.

19       ~~SEC. 8063.~~ Notwithstanding any other provision of  
20 law, the Naval shipyards of the United States shall be eli-  
21 gible to participate in any manufacturing extension pro-  
22 gram financed by funds appropriated in this or any other  
23 Act.

24       ~~SEC. 8064.~~ Notwithstanding any other provision of  
25 law, each contract awarded by the Department of Defense

1 during the current fiscal year for construction or service  
2 performed in whole or in part in a State (as defined in  
3 section 381(d) of title 10, United States Code) which is  
4 not contiguous with another State and has an unemploy-  
5 ment rate in excess of the national average rate of unem-  
6 ployment as determined by the Secretary of Labor, shall  
7 include a provision requiring the contractor to employ, for  
8 the purpose of performing that portion of the contract in  
9 such State that is not contiguous with another State, indi-  
10 viduals who are residents of such State and who, in the  
11 case of any craft or trade, possess or would be able to  
12 acquire promptly the necessary skills: *Provided*, That the  
13 Secretary of Defense may waive the requirements of this  
14 section, on a case-by-case basis, in the interest of national  
15 security.

16       SEC. 8065. None of the funds made available in this  
17 or any other Act may be used to pay the salary of any  
18 officer or employee of the Department of Defense who ap-  
19 proves or implements the transfer of administrative re-  
20 sponsibilities or budgetary resources of any program,  
21 project, or activity financed by this Act to the jurisdiction  
22 of another Federal agency not financed by this Act with-  
23 out the express authorization of Congress: *Provided*, That  
24 this limitation shall not apply to transfers of funds ex-  
25 pressly provided for in Defense Appropriations Acts, or

1 provisions of Acts providing supplemental appropriations  
 2 for the Department of Defense.

3       ~~SEC. 8066. (a) LIMITATION ON TRANSFER OF DE-~~  
 4 ~~FENSE ARTICLES AND SERVICES.~~—Notwithstanding any  
 5 other provision of law, none of the funds available to the  
 6 Department of Defense for the current fiscal year may be  
 7 obligated or expended to transfer to another nation or an  
 8 international organization any defense articles or services  
 9 (other than intelligence services) for use in the activities  
 10 described in subsection (b) unless the congressional de-  
 11 fense committees, the Committee on International Rela-  
 12 tions of the House of Representatives, and the Committee  
 13 on Foreign Relations of the Senate are notified 15 days  
 14 in advance of such transfer.

15       ~~(b) COVERED ACTIVITIES.~~—This section applies to—

16               ~~(1)~~ any international peacekeeping or peace-en-  
 17               forcement operation under the authority of chapter  
 18               VI or chapter VII of the United Nations Charter  
 19               under the authority of a United Nations Security  
 20               Council resolution; and

21               ~~(2)~~ any other international peacekeeping, peace-  
 22               enforcement, or humanitarian assistance operation.

23       ~~(c) REQUIRED NOTICE.~~—A notice under subsection  
 24 ~~(a)~~ shall include the following:

1           (1) A description of the equipment, supplies, or  
2           services to be transferred.

3           (2) A statement of the value of the equipment,  
4           supplies, or services to be transferred.

5           (3) In the case of a proposed transfer of equip-  
6           ment or supplies—

7                 (A) a statement of whether the inventory  
8                 requirements of all elements of the Armed  
9                 Forces (including the reserve components) for  
10                the type of equipment or supplies to be trans-  
11                ferred have been met; and

12               (B) a statement of whether the items pro-  
13               posed to be transferred will have to be replaced  
14               and, if so, how the President proposes to pro-  
15               vide funds for such replacement.

16       SEC. 8067. To the extent authorized by subchapter  
17 VI of chapter 148 of title 10, United States Code, the  
18 Secretary of Defense may issue loan guarantees in support  
19 of United States defense exports not otherwise provided  
20 for: *Provided*, That the total contingent liability of the  
21 United States for guarantees issued under the authority  
22 of this section may not exceed \$15,000,000,000: *Provided*  
23 *further*, That the exposure fees charged and collected by  
24 the Secretary for each guarantee shall be paid by the  
25 country involved and shall not be financed as part of a

1 loan guaranteed by the United States: *Provided further*,  
2 That the Secretary shall provide quarterly reports to the  
3 Committees on Appropriations, Armed Services, and For-  
4 eign Relations of the Senate and the Committees on Ap-  
5 propriations, Armed Services, and International Relations  
6 in the House of Representatives on the implementation of  
7 this program: *Provided further*, That amounts charged for  
8 administrative fees and deposited to the special account  
9 provided for under section 2540e(d) of title 10, shall be  
10 available for paying the costs of administrative expenses  
11 of the Department of Defense that are attributable to the  
12 loan guarantee program under subchapter VI of chapter  
13 148 of title 10, United States Code.

14 SEC. 8068. None of the funds available to the De-  
15 partment of Defense under this Act shall be obligated or  
16 expended to pay a contractor under a contract with the  
17 Department of Defense for costs of any amount paid by  
18 the contractor to an employee when—

19 (1) such costs are for a bonus or otherwise in  
20 excess of the normal salary paid by the contractor  
21 to the employee; and

22 (2) such bonus is part of restructuring costs as-  
23 sociated with a business combination.

24 SEC. 8069. (a) None of the funds appropriated or  
25 otherwise made available in this Act may be used to trans-



1 port or provide for the transportation of chemical muni-  
2 tions or agents to the Johnston Atoll for the purpose of  
3 storing or demilitarizing such munitions or agents.

4 (b) The prohibition in subsection (a) shall not apply  
5 to any obsolete World War II chemical munition or agent  
6 of the United States found in the World War II Pacific  
7 Theater of Operations.

8 (c) The President may suspend the application of  
9 subsection (a) during a period of war in which the United  
10 States is a party.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8070. During the current fiscal year, no more  
13 than \$30,000,000 of appropriations made in this Act  
14 under the heading "Operation and Maintenance, Defense-  
15 Wide" may be transferred to appropriations available for  
16 the pay of military personnel, to be merged with, and to  
17 be available for the same time period as the appropriations  
18 to which transferred, to be used in support of such per-  
19 sonnel in connection with support and services for eligible  
20 organizations and activities outside the Department of De-  
21 fense pursuant to section 2012 of title 10, United States  
22 Code.

23 SEC. 8071. During the current fiscal year, in the case  
24 of an appropriation account of the Department of Defense  
25 for which the period of availability for obligation has ex-

1   pired or which has closed under the provisions of section  
2   1552 of title 31, United States Code, and which has a  
3   negative unliquidated or unexpended balance, an obliga-  
4   tion or an adjustment of an obligation may be charged  
5   to any current appropriation account for the same purpose  
6   as the expired or closed account if—

7           (1) the obligation would have been properly  
8           chargeable (except as to amount) to the expired or  
9           closed account before the end of the period of avail-  
10          ability or closing of that account;

11          (2) the obligation is not otherwise properly  
12          chargeable to any current appropriation account of  
13          the Department of Defense; and

14          (3) in the case of an expired account, the obli-  
15          gation is not chargeable to a current appropriation  
16          of the Department of Defense under the provisions  
17          of section 1405(b)(8) of the National Defense Au-  
18          thorization Act for Fiscal Year 1991, Public Law  
19          101-510, as amended (31 U.S.C. 1551 note): *Pro-*  
20          *vided,* That in the case of an expired account, if sub-  
21          sequent review or investigation discloses that there  
22          was not in fact a negative unliquidated or unex-  
23          pended balance in the account, any charge to a cur-  
24          rent account under the authority of this section shall  
25          be reversed and recorded against the expired ac-

1       count: *Provided further*, That the total amount  
2       charged to a current appropriation under this sec-  
3       tion may not exceed an amount equal to 1 percent  
4       of the total appropriation for that account.

5       SEC. 8072. Funds appropriated in title II of this Act  
6       and for the Defense Health Program in title VI of this  
7       Act for supervision and administration costs for facilities  
8       maintenance and repair, minor construction, or design  
9       projects may be obligated at the time the reimbursable  
10      order is accepted by the performing activity: *Provided*,  
11      That for the purpose of this section, supervision and ad-  
12      ministration costs includes all in-house Government cost.

13      SEC. 8073. During the current fiscal year, the Sec-  
14      retary of Defense may waive reimbursement of the cost  
15      of conferences, seminars, courses of instruction, or similar  
16      educational activities of the Asia-Pacific Center for Secu-  
17      rity Studies for military officers and civilian officials of  
18      foreign nations if the Secretary determines that attend-  
19      ance by such personnel, without reimbursement, is in the  
20      national security interest of the United States: *Provided*,  
21      That costs for which reimbursement is waived pursuant  
22      to this section shall be paid from appropriations available  
23      for the Asia-Pacific Center.

24      SEC. 8074. (a) Notwithstanding any other provision  
25      of law, the Chief of the National Guard Bureau may per-

1 mit the use of equipment of the National Guard Distance  
2 Learning Project by any person or entity on a space-avail-  
3 able, reimbursable basis. The Chief of the National Guard  
4 Bureau shall establish the amount of reimbursement for  
5 such use on a case-by-case basis.

6 (b) Amounts collected under subsection (a) shall be  
7 credited to funds available for the National Guard Dis-  
8 tance Learning Project and be available to defray the costs  
9 associated with the use of equipment of the project under  
10 that subsection. Such funds shall be available for such  
11 purposes without fiscal year limitation.

12 SEC. 8075. Using funds available by this Act or any  
13 other Act, the Secretary of the Air Force, pursuant to a  
14 determination under section 2690 of title 10, United  
15 States Code, may implement cost-effective agreements for  
16 required heating facility modernization in the  
17 Kaiserslautern Military Community in the Federal Repub-  
18 lie of Germany: *Provided*, That in the City of  
19 Kaiserslautern such agreements will include the use of  
20 United States anthracite as the base load energy for mu-  
21 nicipal district heat to the United States Defense installa-  
22 tions: *Provided further*, That at Landstuhl Army Regional  
23 Medical Center and Ramstein Air Base, furnished heat  
24 may be obtained from private, regional or municipal serv-

ices, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8076. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8077. None of the funds made available in this Act may be used to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

SEC. 8078. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered

1 into between the Department of Defense and the foreign  
 2 country, or would invalidate reciprocal trade agreements  
 3 for the procurement of defense items entered into under  
 4 section ~~2531~~ of title 10, United States Code, and the  
 5 country does not discriminate against the same or similar  
 6 defense items produced in the United States for that coun-  
 7 try.

8 (b) Subsection (a) applies with respect to—

9 (1) ~~contracts and subcontracts entered into on~~  
 10 ~~or after the date of the enactment of this Act; and~~

11 (2) ~~options for the procurement of items that~~  
 12 ~~are exercised after such date under contracts that~~  
 13 ~~are entered into before such date if the option prices~~  
 14 ~~are adjusted for any reason other than the applica-~~  
 15 ~~tion of a waiver granted under subsection (a).~~

16 (c) Subsection (a) does not apply to a limitation re-  
 17 garding construction of public vessels, ball and roller bear-  
 18 ings, food, and clothing or textile materials as defined by  
 19 section 11 (chapters 50–65) of the Harmonized Tariff  
 20 Schedule and products classified under headings 4010,  
 21 4202, 4203, 6401 through 6406, 6505, 7019, 7218  
 22 through 7229, 7304.41 through 7304.49, 7306.40, 7502  
 23 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

24 SEC. 8079. Funds made available to the Civil Air Pa-  
 25 trol in this Act under the heading “Drug Interdiction and

1 Counter-Drug Activities, Defense” may be used for the  
2 Civil Air Patrol Corporation’s counterdrug program, in-  
3 cluding its demand reduction program involving youth  
4 programs, as well as operational and training drug recon-  
5 naissance missions for Federal, State, and local govern-  
6 ment agencies; and for equipment needed for mission sup-  
7 port or performance: *Provided*, That the Department of  
8 the Air Force should waive reimbursement from the Fed-  
9 eral, State, and local government agencies for the use of  
10 these funds.

11 SEC. 8080. (a) PROHIBITION.—None of the funds  
12 made available by this Act may be used to support any  
13 training program involving a unit of the security forces  
14 of a foreign country if the Secretary of Defense has re-  
15 ceived credible information from the Department of State  
16 that the unit has committed a gross violation of human  
17 rights, unless all necessary corrective steps have been  
18 taken.

19 (b) MONITORING.—The Secretary of Defense, in con-  
20 sultation with the Secretary of State, shall ensure that  
21 prior to a decision to conduct any training program re-  
22 ferred to in subsection (a), full consideration is given to  
23 all credible information available to the Department of  
24 State relating to human rights violations by foreign secu-  
25 rity forces.

1       (c) **WAIVER.**—The Secretary of Defense, after con-  
2 sultation with the Secretary of State, may waive the prohi-  
3 bition in subsection (a) if he determines that such waiver  
4 is required by extraordinary circumstances.

5       (d) **REPORT.**—Not more than 15 days after the exer-  
6 cise of any waiver under subsection (c), the Secretary of  
7 Defense shall submit a report to the congressional defense  
8 committees describing the extraordinary circumstances,  
9 the purpose and duration of the training program, the  
10 United States forces and the foreign security forces in-  
11 volved in the training program, and the information relat-  
12 ing to human rights violations that necessitates the waiv-  
13 er.

14       **SEC. 8081.** The Secretary of Defense, in coordination  
15 with the Secretary of Health and Human Services, may  
16 carry out a program to distribute surplus dental equip-  
17 ment of the Department of Defense, at no cost to the De-  
18 partment of Defense, to Indian health service facilities and  
19 to federally-qualified health centers (within the meaning  
20 of section 1905(l)(2)(B) of the Social Security Act (42  
21 U.S.C. 1396d(l)(2)(B))).

22       **SEC. 8082.** The total amount appropriated in this Act  
23 is hereby reduced by \$615,000,000 to reflect savings from  
24 favorable foreign currency fluctuations, to be derived as  
25 follows:



1           ~~“Military Personnel, Army”, \$154,000,000;~~  
 2           ~~“Military Personnel, Navy”, \$11,000,000;~~  
 3           ~~“Military Personnel, Marine Corps”,~~  
 4           ~~\$21,000,000;~~  
 5           ~~“Military Personnel, Air Force”, \$49,000,000;~~  
 6           ~~“Operation and Maintenance, Army”,~~  
 7           ~~\$189,000,000;~~  
 8           ~~“Operation and Maintenance, Navy”,~~  
 9           ~~\$40,000,000;~~  
 10          ~~“Operation and Maintenance, Marine Corps”,~~  
 11          ~~\$3,000,000;~~  
 12          ~~“Operation and Maintenance, Air Force”,~~  
 13          ~~\$80,000,000; and~~  
 14          ~~“Operation and Maintenance, Defense-Wide”,~~  
 15          ~~\$68,000,000.~~

16       SEC. 8083. None of the funds appropriated or made  
 17 available in this Act to the Department of the Navy shall  
 18 be used to develop, lease or procure the T-AKE class of  
 19 ships unless the main propulsion diesel engines and  
 20 propulsors are manufactured in the United States by a  
 21 domestically operated entity: *Provided*, That the Secretary  
 22 of Defense may waive this restriction on a case-by-case  
 23 basis by certifying in writing to the Committees on Appro-  
 24 priations of the House of Representatives and the Senate  
 25 that adequate domestic supplies are not available to meet

1 Department of Defense requirements on a timely basis  
2 and that such an acquisition must be made in order to  
3 acquire capability for national security purposes or there  
4 exists a significant cost or quality difference.

5       SEC. 8084. None of the funds appropriated or other-  
6 wise made available by this or other Department of De-  
7 fense Appropriations Acts may be obligated or expended  
8 for the purpose of performing repairs or maintenance to  
9 military family housing units of the Department of De-  
10 fense, including areas in such military family housing  
11 units that may be used for the purpose of conducting offi-  
12 cial Department of Defense business.

13       SEC. 8085. Notwithstanding any other provision of  
14 law, funds appropriated in this Act under the heading  
15 “Research, Development, Test and Evaluation, Defense-  
16 Wide” for any advanced concept technology demonstration  
17 project may only be obligated 30 days after a report, in-  
18 cluding a description of the project and its estimated an-  
19 nual and total cost, has been provided in writing to the  
20 congressional defense committees: *Provided*, That the Sec-  
21 retary of Defense may waive this restriction on a case-  
22 by-case basis by certifying to the congressional defense  
23 committees that it is in the national interest to do so.

24       SEC. 8086. Notwithstanding any other provision of  
25 law, for the purpose of establishing all Department of De-

1 fense policies governing the provision of care provided by  
2 and financed under the military health care system's case  
3 management program under 10 U.S.C. 1079(a)(17), the  
4 term "custodial care" shall be defined as care designed  
5 essentially to assist an individual in meeting the activities  
6 of daily living and which does not require the supervision  
7 of trained medical, nursing, paramedical or other specially  
8 trained individuals: *Provided*, That the case management  
9 program shall provide that members and retired members  
10 of the military services, and their dependents and sur-  
11 vivors, have access to all medically necessary health care  
12 through the health care delivery system of the military  
13 services regardless of the health care status of the person  
14 seeking the health care: *Provided further*, That the case  
15 management program shall be the primary obligor for pay-  
16 ment of medically necessary services and shall not be con-  
17 sidered as secondarily liable to title XIX of the Social Se-  
18 curity Act, other welfare programs or charity based care.

19 SEC. 8087. During the current fiscal year, refunds  
20 attributable to the use of the Government travel card, re-  
21 funds attributable to the use of the Government Purchase  
22 Card and refunds attributable to official Government trav-  
23 el arranged by Government Contracted Travel Manage-  
24 ment Centers may be credited to operation and mainte-

1 nance accounts of the Department of Defense which are  
 2 current when the refunds are received.

3       SEC. 8088. (a) REGISTERING FINANCIAL MANAGE-  
 4 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD  
 5 CHIEF INFORMATION OFFICER.—None of the funds ap-  
 6 propriated in this Act may be used for a mission critical  
 7 or mission essential financial management information  
 8 technology system (including a system funded by the de-  
 9 fense working capital fund) that is not registered with the  
 10 Chief Information Officer of the Department of Defense.  
 11 A system shall be considered to be registered with that  
 12 officer upon the furnishing to that officer of notice of the  
 13 system, together with such information concerning the  
 14 system as the Secretary of Defense may prescribe. A fi-  
 15 nancial management information technology system shall  
 16 be considered a mission critical or mission essential infor-  
 17 mation technology system as defined by the Under Sec-  
 18 retary of Defense (Comptroller).

19       (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-  
 20 NANCIAL MANAGEMENT MODERNIZATION PLAN.—(1)  
 21 During the current fiscal year, a financial management  
 22 major automated information system may not receive  
 23 Milestone A approval, Milestone B approval, or full rate  
 24 production, or their equivalent, within the Department of  
 25 Defense until the Under Secretary of Defense (Comp-

1 troller) certifies, with respect to that milestone, that the  
 2 system is being developed and managed in accordance with  
 3 the Department's Financial Management Modernization  
 4 Plan. The Under Secretary of Defense (Comptroller) may  
 5 require additional certifications, as appropriate, with re-  
 6 spect to any such system.

7       (2) The Chief Information Officer shall provide the  
 8 congressional defense committees timely notification of  
 9 certifications under paragraph (1).

10       (c) CERTIFICATIONS AS TO COMPLIANCE WITH  
 11 CLINGER-COHEN ACT.—(1) During the current fiscal  
 12 year, a major automated information system may not re-  
 13 ceive Milestone A approval, Milestone B approval, or full  
 14 rate production approval, or their equivalent, within the  
 15 Department of Defense until the Chief Information Offi-  
 16 cer certifies, with respect to that milestone, that the sys-  
 17 tem is being developed in accordance with the Clinger-  
 18 Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief  
 19 Information Officer may require additional certifications,  
 20 as appropriate, with respect to any such system.

21       (2) The Chief Information Officer shall provide the  
 22 congressional defense committees timely notification of  
 23 certifications under paragraph (1). Each such notification  
 24 shall include, at a minimum, the funding baseline and  
 25 milestone schedule for each system covered by such a cer-

1 tification and confirmation that the following steps have  
 2 been taken with respect to the system:

3           (A) Business process reengineering.

4           (B) An analysis of alternatives.

5           (C) An economic analysis that includes a cal-  
 6 culation of the return on investment.

7           (D) Performance measures.

8           (E) An information assurance strategy con-  
 9 sistent with the Department's Global Information  
 10 Grid.

11 (d) DEFINITIONS.—For purposes of this section:

12           (1) The term “Chief Information Officer”  
 13 means the senior official of the Department of De-  
 14 fense designated by the Secretary of Defense pursu-  
 15 ant to section 3506 of title 44, United States Code.

16           (2) The term “information technology system”  
 17 has the meaning given the term “information tech-  
 18 nology” in section 5002 of the Clinger-Cohen Act of  
 19 1996 (40 U.S.C. 1401).

20           (3) The term “major automated information  
 21 system” has the meaning given that term in Depart-  
 22 ment of Defense Directive 5000.1.

23 SEC. 8089. During the current fiscal year, none of  
 24 the funds available to the Department of Defense may be  
 25 used to provide support to another department or agency

1 of the United States if such department or agency is more  
2 than 90 days in arrears in making payment to the Depart-  
3 ment of Defense for goods or services previously provided  
4 to such department or agency on a reimbursable basis:  
5 *Provided*, That this restriction shall not apply if the de-  
6 partment is authorized by law to provide support to such  
7 department or agency on a nonreimbursable basis, and is  
8 providing the requested support pursuant to such author-  
9 ity: *Provided further*, That the Secretary of Defense may  
10 waive this restriction on a case-by-case basis by certifying  
11 in writing to the Committees on Appropriations of the  
12 House of Representatives and the Senate that it is in the  
13 national security interest to do so.

14 SEC. 8090. None of the funds provided in this Act  
15 may be used to transfer to any nongovernmental entity  
16 ammunition held by the Department of Defense that has  
17 a center-fire cartridge and a United States military no-  
18 menclature designation of “armor penetrator”, “armor  
19 piercing (AP)”, “armor piercing incendiary (API)”, or  
20 “armor-piercing incendiary-tracer (API-T)”, except to an  
21 entity performing demilitarization services for the Depart-  
22 ment of Defense under a contract that requires the entity  
23 to demonstrate to the satisfaction of the Department of  
24 Defense that armor piercing projectiles are either: (1) ren-  
25 dered incapable of reuse by the demilitarization process;

1 or (2) used to manufacture ammunition pursuant to a con-  
2 tract with the Department of Defense or the manufacture  
3 of ammunition for export pursuant to a License for Per-  
4 manent Export of Unclassified Military Articles issued by  
5 the Department of State.

6 SEC. 8091. Notwithstanding any other provision of  
7 law, the Chief of the National Guard Bureau, or his des-  
8 ignee, may waive payment of all or part of the consider-  
9 ation that otherwise would be required under 10 U.S.C.  
10 2667, in the case of a lease of personal property for a  
11 period not in excess of 1 year to any organization specified  
12 in 32 U.S.C. 508(d), or any other youth, social, or fra-  
13 ternal non-profit organization as may be approved by the  
14 Chief of the National Guard Bureau, or his designee, on  
15 a case-by-case basis.

16 SEC. 8092. None of the funds appropriated by this  
17 Act shall be used for the support of any nonappropriated  
18 funds activity of the Department of Defense that procures  
19 malt beverages and wine with nonappropriated funds for  
20 resale (including such alcoholic beverages sold by the  
21 drink) on a military installation located in the United  
22 States unless such malt beverages and wine are procured  
23 within that State, or in the case of the District of Colum-  
24 bia, within the District of Columbia, in which the military  
25 installation is located: *Provided*, That in a case in which



1 the military installation is located in more than one State;  
2 purchases may be made in any State in which the installa-  
3 tion is located: *Provided further*, That such local procure-  
4 ment requirements for malt beverages and wine shall  
5 apply to all alcoholic beverages only for military installa-  
6 tions in States which are not contiguous with another  
7 State: *Provided further*, That alcoholic beverages other  
8 than wine and malt beverages, in contiguous States and  
9 the District of Columbia shall be procured from the most  
10 competitive source, price and other factors considered.

11 SEC. 8093. During the current fiscal year, under reg-  
12 ulations prescribed by the Secretary of Defense, the Cen-  
13 ter of Excellence for Disaster Management and Humani-  
14 tarian Assistance may also pay, or authorize payment for,  
15 the expenses of providing or facilitating education and  
16 training for appropriate military and civilian personnel of  
17 foreign countries in disaster management, peace oper-  
18 ations, and humanitarian assistance.

19 SEC. 8094. (a) The Department of Defense is author-  
20 ized to enter into agreements with the Veterans Adminis-  
21 tration and federally-funded health agencies providing  
22 services to Native Hawaiians for the purpose of estab-  
23 lishing a partnership similar to the Alaska Federal Health  
24 Care Partnership, in order to maximize Federal resources  
25 in the provision of health care services by federally-funded

1 health agencies, applying telemedicine technologies. For  
2 the purpose of this partnership, Native Hawaiians shall  
3 have the same status as other Native Americans who are  
4 eligible for the health care services provided by the Indian  
5 Health Service.

6 (b) The Department of Defense is authorized to de-  
7 velop a consultation policy, consistent with Executive  
8 Order No. 13084 (issued May 14, 1998), with Native Ha-  
9 waiians for the purpose of assuring maximum Native Ha-  
10 waiian participation in the direction and administration of  
11 governmental services so as to render those services more  
12 responsive to the needs of the Native Hawaiian commu-  
13 nity.

14 (c) For purposes of this section, the term “Native  
15 Hawaiian” means any individual who is a descendant of  
16 the aboriginal people who, prior to 1778, occupied and ex-  
17 ercised sovereignty in the area that now comprises the  
18 State of Hawaii.

19 SEC. 8095. Of the amounts appropriated in this Act  
20 for the Arrow missile defense program under the heading  
21 “Research, Development, Test and Evaluation, Defense-  
22 Wide”, \$131,700,000 shall be made available for the pur-  
23 pose of continuing the Arrow System Improvement Pro-  
24 gram (ASIP), continuing ballistic missile defense inter-

1 operability with Israel, and continuing development of an  
2 Arrow production capability in the United States.

3       ~~SEC. 8096.~~ Funds available to the Department of De-  
4 fense for the Global Positioning System during the current  
5 fiscal year may be used to fund civil requirements associ-  
6 ated with the satellite and ground control segments of  
7 such system's modernization program.

8                   (INCLUDING TRANSFER OF FUNDS)

9       ~~SEC. 8097.~~ Of the amounts appropriated in this Act  
10 under the heading, "Operation and Maintenance, Defense-  
11 Wide", \$68,000,000 shall remain available until expended:  
12 *Provided*, That notwithstanding any other provision of  
13 law, the Secretary of Defense is authorized to transfer  
14 such funds to other activities of the Federal Government.

15       ~~SEC. 8098.~~ Section 8106 of the Department of De-  
16 fense Appropriations Act, 1997 (titles I through VIII of  
17 the matter under subsection 101(b) of Public Law 104-  
18 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-  
19 tinue in effect to apply to disbursements that are made  
20 by the Department of Defense in fiscal year 2003.

21       ~~SEC. 8099.~~ In addition to amounts provided in this  
22 Act, \$2,000,000 is hereby appropriated for "Defense  
23 Health Program", to remain available for obligation until  
24 expended: *Provided*, That notwithstanding any other pro-  
25 vision of law, these funds shall be available only for a

1 grant to the Fisher House Foundation, Inc., only for the  
 2 construction and furnishing of additional Fisher Houses  
 3 to meet the needs of military family members when con-  
 4 fronted with the illness or hospitalization of an eligible  
 5 military beneficiary.

6 SEC. 8100. The total amount appropriated in Title  
 7 H of this Act is hereby reduced by \$51,000,000, to reflect  
 8 savings attributable to improvements in the management  
 9 of advisory and assistance services contracted by the mili-  
 10 tary departments, to be derived as follows:

11 “Operation and Maintenance, Army”,  
 12 \$11,000,000;

13 “Operation and Maintenance, Navy”,  
 14 \$10,000,000; and

15 “Operation and Maintenance, Air Force”,  
 16 \$30,000,000.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8101. Of the amounts appropriated in this Act  
 19 under the heading “Shipbuilding and Conversion, Navy,”  
 20 \$644,899,000 shall be available until September 30, 2003,  
 21 to fund prior year shipbuilding cost increases: *Provided*,  
 22 That upon enactment of this Act, the Secretary of Defense  
 23 shall transfer such funds to the following appropriations  
 24 in the amount specified: *Provided further*, That the  
 25 amounts transferred shall be merged with and shall be

1 available for the same purposes as the appropriations to  
 2 which transferred:

3           ~~To:~~

4                   Under the heading, “Shipbuilding and  
 5                   Conversion, Navy, 1996/2003”:

6                   ~~LPD-17 Amphibious Transport Dock Ship~~  
 7                   ~~Program, \$232,681,000;~~

8                   Under the heading, “Shipbuilding and  
 9                   Conversion, Navy, 1998/2003”:

10                  ~~DDG-51           Destroyer           Program,~~  
 11                  ~~\$47,400,000;~~

12                  ~~New SSN, \$156,682,000;~~

13                  Under the heading, “Shipbuilding and  
 14                  Conversion, Navy, 1999/2003”:

15                  ~~LPD-17 Amphibious Transport Dock Ship~~  
 16                  ~~Program, \$10,000,000;~~

17                  ~~DDG-51           Destroyer           Program,~~  
 18                  ~~\$56,736,000;~~

19                  ~~New SSN, \$120,000,000;~~

20                  Under the heading, “Shipbuilding and  
 21                  Conversion, Navy, 2000/2003”:

22                  ~~DDG-51           Destroyer           Program,~~  
 23                  ~~\$21,200,000;~~

24                  Under the heading, “Shipbuilding and  
 25                  Conversion, Navy, 2001/2008”:

1 ~~DDG-51 Destroyer Program, \$200,000.~~

2 ~~SEC. 8102.~~ The Secretary of the Navy may settle,  
 3 or compromise, and pay any and all admiralty claims  
 4 under ~~10 U.S.C. 7622~~ arising out of the collision involving  
 5 the U.S.S. GREENEVILLE and the EHIME MARU, in  
 6 any amount and without regard to the monetary limita-  
 7 tions in subsections (a) and (b) of that section: *Provided,*  
 8 That such payments shall be made from funds available  
 9 to the Department of the Navy for operation and mainte-  
 10 nance.

11 ~~SEC. 8103.~~ The total amount appropriated in Title  
 12 II of this Act is hereby reduced by \$97,000,000, to reflect  
 13 savings attributable to improved supervision in deter-  
 14 mining appropriate purchases to be made using the Gov-  
 15 ernment purchase card, to be derived as follows:

16 ~~“Operation and Maintenance, Army”,~~  
 17 ~~\$24,000,000;~~

18 ~~“Operation and Maintenance, Navy”,~~  
 19 ~~\$29,000,000;~~

20 ~~“Operation and Maintenance, Marine Corps”,~~  
 21 ~~\$3,000,000;~~

22 ~~“Operation and Maintenance, Air Force”,~~  
 23 ~~\$27,000,000; and~~

24 ~~“Operation and Maintenance, Defense-Wide”,~~  
 25 ~~\$14,000,000.~~

1       SEC. 8104. Funds provided for the current fiscal year  
2 or hereafter for Operation and Maintenance for the Armed  
3 Forces may be used, notwithstanding any other provision  
4 of law, for the purchase of ultralightweight camouflage net  
5 systems as unit spares.

6                   (INCLUDING TRANSFER OF FUNDS)

7       SEC. 8105. During the current fiscal year and here-  
8 after, notwithstanding any other provision of law, the Sec-  
9 retary of Defense may transfer not more than  
10 \$20,000,000 of unobligated balances remaining in a Re-  
11 search, Development, Test and Evaluation, Army appro-  
12 priation account during the last fiscal year before the ac-  
13 count closes under section 1552 of title 31 United States  
14 Code, to a current Research, Development, Test and Eval-  
15 uation, Army appropriation account to be used only for  
16 the continuation of the Venture Capital Fund demonstra-  
17 tion, as originally approved in Section 8150 of Public Law  
18 107–117, to pursue high payoff technology and innova-  
19 tions in science and technology: *Provided*, That any such  
20 transfer shall be made not later than July 31 of each year:  
21 *Provided further*, That funds so transferred shall be  
22 merged with and shall be available for the same purposes  
23 and for the same time period as the appropriation to which  
24 transferred: *Provided further*, That the transfer authority  
25 provided in this section is in addition to any other transfer  
26 authority available to the Department of Defense: *Pro-*

~~1~~ *vided further*, That, no funds for programs, projects, or  
~~2~~ activities designated as special congressional interest items  
~~3~~ in DD Form 1414 shall be eligible for transfer under the  
~~4~~ authority of this section: *Provided further*, That any unob-  
~~5~~ ligated balances transferred under this authority may be  
~~6~~ restored to the original appropriation if required to cover  
~~7~~ unexpected upward adjustments: *Provided further*, That  
~~8~~ the Secretary of the Army shall provide an annual report  
~~9~~ to the House and Senate Appropriations Committees no  
~~10~~ later than 15 days prior to the annual transfer of funds  
~~11~~ under authority of this section describing the sources and  
~~12~~ amounts of funds proposed to be transfered, summarizing  
~~13~~ the projects funded under this demonstration program (in-  
~~14~~ cluding the name and location of project sponsors) to date,  
~~15~~ a description of the major program accomplishments to  
~~16~~ date, and an overall assessment of the benefits of this  
~~17~~ demonstration program compared to the goals expressed  
~~18~~ in the legislative history accompanying Section 8150 of  
~~19~~ Public Law 107-117.

~~20~~ SEC. 8106. Notwithstanding any other provision of  
~~21~~ law or regulation, the Secretary of Defense may exercise  
~~22~~ the provisions of 38 U.S.C. 7403(g) for occupations listed  
~~23~~ in 38 U.S.C. 7403(a)(2) as well as the following:

~~24~~ Pharmacists, Audiologists, and Dental Hygien-  
~~25~~ ists.



1           (A) The requirements of ~~38~~ U.S.C.  
2           7403(g)(1)(A) shall apply.

3           (B) The limitations of ~~38~~ U.S.C.  
4           7403(g)(1)(B) shall not apply.

5       SEC. 8107. Funds appropriated by this Act, or made  
6 available by the transfer of funds in this Act, for intel-  
7 ligence activities are deemed to be specifically authorized  
8 by the Congress for purposes of section 504 of the Na-  
9 tional Security Act of 1947 (~~50~~ U.S.C. 414) during fiscal  
10 year ~~2003~~ until the enactment of the Intelligence Author-  
11 ization Act for fiscal year ~~2003~~.

12       SEC. 8108. Section ~~1111~~(c) of title ~~10~~ is amended  
13 in the first sentence by striking “may” after the Secretary  
14 of Defense and inserting “shall” after the Secretary of De-  
15 fense.

16           (INCLUDING TRANSFER OF FUNDS)

17       SEC. 8109. During the current fiscal year, amounts  
18 in or credited to the Defense Cooperation Account under  
19 ~~10~~ U.S.C. 2608(b) are hereby appropriated and shall be  
20 available for obligation and expenditure consistent with  
21 the purposes for which such amounts were contributed and  
22 accepted for transfer by the Secretary of Defense to such  
23 appropriations or funds of the Department of Defense as  
24 the Secretary shall determine, to be merged with and to  
25 be available for the same purposes and for the same time  
26 period as the appropriation or fund to which transferred.

1 ~~Provided~~, That the Secretary shall provide written notifi-  
 2 cation to the congressional defense committees 30 days  
 3 prior to such transfer: ~~Provided further~~, That the Sec-  
 4 retary of Defense shall report to the Congress quarterly  
 5 all transfers made pursuant to this authority: ~~Provided~~  
 6 ~~further~~, That this transfer authority is in addition to any  
 7 other transfer authority available to the Department of  
 8 Defense.

9       ~~SEC. 8110.~~ Notwithstanding section 1116(e) of title  
 10 10, United States Code, payments into the Department  
 11 of Defense Medicare-Eligible Retiree Health Care Fund  
 12 for fiscal year 2003 under section 1116(a) of such title  
 13 shall be made from funds available in this Act for the pay  
 14 of military personnel.

15       ~~SEC. 8111.~~ None of the funds in this Act may be  
 16 used to initiate a new start program without prior notifica-  
 17 tion to the Office of Secretary of Defense and the congres-  
 18 sional defense committees.

19       ~~SEC. 8112.~~ The amount appropriated in title II of  
 20 this Act is hereby reduced by \$470,000,000 to reflect  
 21 Working Capital Fund cash balance and rate stabilization  
 22 adjustments, to be derived as follows:

23               “Operation      and      Maintenance,      Navy”,  
 24               \$440,000,000; and

1           “Operation and Maintenance, Air Force”,  
2       \$30,000,000.

3       SEC. 8113. Notwithstanding any other provision in  
4 this Act, the total amount appropriated in this Act is here-  
5 by reduced by \$475,000,000, to reduce excess funded ear-  
6 nings, to be derived as follows:

7           “Operation and Maintenance, Army”,  
8       \$48,000,000;

9           “Operation and Maintenance, Navy”,  
10       \$285,000,000;

11          “Operation and Maintenance, Marine Corps”,  
12       \$8,000,000; and

13          “Operation and Maintenance, Air Force”,  
14       \$134,000,000.

15       SEC. 8114. Notwithstanding any other provision of  
16 law, none of the funds appropriated or otherwise made  
17 available by this or any other appropriations Acts may be  
18 obligated for the purpose of transferring the Medical Free  
19 Electron Laser (MFEL) Program from the Department  
20 of Defense to any other Government agency.

21       SEC. 8115. (a) In addition to the amounts provided  
22 elsewhere in this Act, the amount of \$4,000,000 is hereby  
23 appropriated to the Department of Defense for “Oper-  
24 ation and Maintenance, Army National Guard”. Such  
25 amount shall be made available to the Secretary of the

1 Army only to make a grant in the amount of \$4,000,000  
2 to the entity specified in subsection (b) to facilitate access  
3 by veterans to opportunities for skilled employment in the  
4 construction industry.

5 (b) The entity referred to in subsection (a) is the  
6 Center for Military Recruitment, Assessment and Vet-  
7 erans Employment, a nonprofit labor-management co-op-  
8 eration committee provided for by section 302(c)(9) of the  
9 Labor-Management Relations Act, 1947 (29 U.S.C.  
10 186(c)(9)), for the purposes set forth in section 6(b) of  
11 the Labor Management Cooperation Act of 1978 (29  
12 U.S.C. 175a note).

13 SEC. 8116. (a) During the current fiscal year, funds  
14 available to the Secretary of a military department for Op-  
15 eration and Maintenance may be used for the purposes  
16 stated in subsection (b) to support chaplain-led programs  
17 to assist members of the Armed Forces and their imme-  
18 diate family members in building and maintaining a  
19 strong family structure.

20 (b) The purposes referred to in subsection (a) are  
21 costs of transportation, food, lodging, supplies, fees, and  
22 training materials for members of the Armed Forces and  
23 their family members while participating in such pro-  
24 grams, including participation at retreats and conferences.

1       SEC. 8117. (a) COMMISSION ON ADEQUACY OF  
2 ARMED FORCES TRAINING FACILITIES.—The Secretary  
3 of Defense shall establish an advisory committee under  
4 section 173 of title 10, United States Code, to assess the  
5 availability of adequate training facilities for the Armed  
6 Forces in the United States and overseas and the adverse  
7 impact of residential and industrial encroachment, re-  
8 quirements of environmental laws, and other factors on  
9 military training and the coordination of military training  
10 among the United States and its allies.

11       (b) MEMBERS.—The advisory committee shall be  
12 composed of persons who are not active-duty members of  
13 the Armed Forces or officers or employees of the Depart-  
14 ment of Defense.

15       (c) REPORT.—Not later than July 31, 2003, the advi-  
16 sory committee shall submit to the Secretary of Defense  
17 and the congressional defense committees a report con-  
18 taining the results of the assessment and such rec-  
19 ommendations as the committee considers necessary.

20       (d) FUNDING.—Funds for the activities of the advi-  
21 sory committee shall be provided from amounts appro-  
22 priated for operation and maintenance for Defense-Wide  
23 activities for fiscal year 2003.

24       SEC. 8118. (a) LIMITATION ON ADDITIONAL NMCI  
25 CONTRACT WORK STATIONS.—Notwithstanding section

1 814 of the Floyd D. Spence National Defense Authoriza-  
2 tion Act for Fiscal Year 2001 (as enacted into law by Pub-  
3 lie Law 106-398; 114 Stat. 1654A-215) or any other pro-  
4 vision of law, the total number of work stations provided  
5 under the Navy-Marine Corps Intranet contract (as de-  
6 fined in subsection (i) of such section 814) may not exceed  
7 160,000 work stations until the Under Secretary of De-  
8 fense for Acquisition, Technology, and Logistics and the  
9 Chief Information Officer of the Department of Defense  
10 certify to the congressional defense committees that all of  
11 the conditions specified in subsection (b) have been satis-  
12 fied.

13 (b) CONDITIONS.—The conditions referred to in sub-  
14 section (a) are the following:

15 (1) There is a full transition of not less than  
16 20,000 work stations to the Navy-Marine Corps  
17 Intranet.

18 (2) Those work stations undergo operational  
19 test and evaluation—

20 (A) to evaluate and demonstrate the ability  
21 of the infrastructure and services of the Navy-  
22 Marine Corps Intranet to support Department  
23 of the Navy operational, office, and business  
24 functionality and processes; and

1           (B) to evaluate the effectiveness and suit-  
2           ability of the Navy-Marine Corps Intranet to  
3           support accomplishment of Navy and Marine  
4           Corps missions.

5           (3) The Director of Operational Test and Eval-  
6           uation of the Department of Defense completes an  
7           assessment of the operational test and evaluation  
8           and provides the results of the assessment and rec-  
9           ommendations to the Under Secretary of Defense for  
10          Acquisition, Technology, and Logistics and the Chief  
11          Information Officer of the Department of Defense.

12          (4) The Under Secretary of Defense for Acqui-  
13          sition, Technology, and Logistics and the Chief In-  
14          formation Officer of the Department of Defense de-  
15          termine that the results of the test and evaluation  
16          are acceptable.

17          SEC. 8119. None of the funds in this Act, excluding  
18          funds provided for advance procurement of fiscal year  
19          2004 aircraft, may be obligated for acquisition of more  
20          than 16 F-22 aircraft until the Under Secretary of De-  
21          fense for Acquisition, Technology, and Logistics has pro-  
22          vided to the congressional defense committees:

23          (a) A formal risk assessment which identifies and  
24          characterizes the potential cost, technical, schedule or  
25          other significant risks resulting from increasing the F-22

1 procurement quantities prior to the conclusion of Dedi-  
2 cated Initial Operational Test and Evaluation (DIOT&E)  
3 of the aircraft: *Provided*, That such risk assessment shall  
4 evaluate based on the best available current information  
5 (1) the range of potential additional program costs (com-  
6 pared to the program costs assumed in the President's fis-  
7 cal year 2003 budget) that could result from retrofit modi-  
8 fications to F-22 production aircraft that are placed  
9 under contract or delivered to the government prior to the  
10 conclusion of DIOT&E and (2) a cost-benefit analysis  
11 comparing, in terms of unit cost and total program cost,  
12 the cost advantages of increasing aircraft production at  
13 this time to the potential cost of retrofitting production  
14 aircraft once DIOT&E has been completed;

15 (b) Certification that any future retrofit costs to F-  
16 22 production aircraft, ordered or delivered prior to the  
17 conclusion of DIOT&E, that result from changes required  
18 from developmental or operational test and evaluation will  
19 not increase the total F-22 program cost as estimated in  
20 the President's fiscal year 2003 budget; and

21 (c) Certification that increasing the F-22 production  
22 quantity for fiscal year 2003 beyond 16 airplanes involves  
23 lower risk and lower total program cost than staying at  
24 that quantity, or he submits a revised production plan,  
25 funding plan and test schedule.



(INCLUDING TRANSFER OF FUNDS)

SEC. 8120. Section 305(a) of the Emergency Supplemental Act, 2002 (division B of Public Law 107-117; 115 Stat. 2300), is amended by adding at the end the following new sentences: “From amounts transferred to the Pentagon Reservation Maintenance Revolving Fund pursuant to the preceding sentence, not to exceed \$305,000,000 may be transferred to the Defense Emergency Response Fund, but only in amounts necessary to reimburse that fund (and the category of that fund designated as ‘Pentagon Repair/Upgrade’) for expenses charged to that fund (and that category) between September 11, 2001, and January 10, 2002, for reconstruction costs of the Pentagon Reservation. Funds transferred to the Defense Emergency Response Fund pursuant to this section shall be available only for reconstruction, recovery, force protection, or security enhancements for the Pentagon Reservation.”.

SEC. 8121. (a) TERMINATION OF CRUSADER ARTILLERY SYSTEM.—Consistent with the budget amendment to the fiscal year 2003 President’s Budget submitted to Congress on May 29, 2002, for termination of the Crusader Artillery System, the Department of Defense is authorized to terminate the Crusader program. Such termination shall be carried out in a prudent and deliberate

1 manner in order to provide for the orderly termination of  
2 the program.

3 (b) ACCELERATION OF OTHER INDIRECT FIRE SYS-  
4 TEMS.—Of the funds appropriated or otherwise made  
5 available in this Act, under the heading “Research, Devel-  
6 opment, Test, and Evaluation, Army”, \$305,109,000 shall  
7 be available only to accelerate the development, dem-  
8 onstration, and fielding of indirect fire platforms, preci-  
9 sion munitions, and related technology.

10 (c) ACCELERATION OF OBJECTIVE FORCE ARTIL-  
11 LERY AND RESUPPLY SYSTEMS.—(1) Immediately upon  
12 termination of the Crusader Artillery System program, the  
13 Department of the Army shall enter into a contract to le-  
14 verage technologies developed with funds invested in fiscal  
15 year 2002 and prior years under the Crusader Artillery  
16 System program, the Future Scout and Cavalry System  
17 program, the Composite Armored Vehicle program, and  
18 other Army development programs in order to develop and  
19 field, by 2008, a Non-Line of Sight (NLOS) Objective  
20 Force artillery system and Resupply Vehicle variants of  
21 the Future Combat System.

22 (2) Of the funds appropriated or otherwise made  
23 available in this Act under the heading “Research, Devel-  
24 opment, Test, and Evaluation, Army”, \$368,500,000 is  
25 available only for the Objective Force Indirect Fire Sys-

1 tems for the Army to implement this subsection: *Provided*,  
2 That none of the funds in this or any other Act shall be  
3 available for research, development, test, or evaluation of  
4 any Objective Force or Future Combat System indirect  
5 fire system until the Secretary of the Army has submitted  
6 a written certification to the congressional defense com-  
7 mittees that a contract has been awarded pursuant to sub-  
8 section (c)(1) containing a program plan and schedule for  
9 production and fielding a Future Combat System Non-  
10 Line of Sight Objective Force artillery system and Resup-  
11 ply Vehicle variants by 2008.

12 SEC. 8122. None of the funds made available in this  
13 Act may be transferred to any department, agency, or in-  
14 strumentality of the United States Government, except  
15 pursuant to a transfer made by, or transfer authority pro-  
16 vided in, this Act or any other appropriations Act.

17 SEC. 8123. Of the total amount appropriated pursu-  
18 ant to this Act for any component of the Department of  
19 Defense that the Director of the Office of Management  
20 and Budget has identified (as of the date of the enactment  
21 of this Act) under subsection (c) of section 3515 of title  
22 31, United States Code, as being required to have audited  
23 financial statements meeting the requirements of sub-  
24 section (b) of that section, not more than 99 percent may  
25 be obligated until the Inspector General of the Depart-

1 ment of Defense submits an audit of that component pur-  
 2 suant to section 3521(e) of title 31, United States Code.

3       ~~SEC. 8124.~~ None of the funds provided in this Act  
 4 may be used to relocate the headquarters of the United  
 5 States Army, South, from Fort Buchanan, Puerto Rico,  
 6 to a location in the continental United States.

7       This Act may be cited as the “Department of Defense  
 8 Appropriations Act, 2003”.

9 *That the following sums are appropriated, out of any*  
 10 *money in the Treasury not otherwise appropriated, for the*  
 11 *fiscal year ending September 30, 2003, for military func-*  
 12 *tions administered by the Department of Defense, and for*  
 13 *other purposes, namely:*

## 14                                   *TITLE I*

### 15                                   *MILITARY PERSONNEL*

#### 16                                   *MILITARY PERSONNEL, ARMY*

17       *For pay, allowances, individual clothing, subsistence,*  
 18 *interest on deposits, gratuities, permanent change of station*  
 19 *travel (including all expenses thereof for organizational*  
 20 *movements), and expenses of temporary duty travel between*  
 21 *permanent duty stations, for members of the Army on active*  
 22 *duty (except members of reserve components provided for*  
 23 *elsewhere), cadets, and aviation cadets; and for payments*  
 24 *pursuant to section 156 of Public Law 97–377, as amended*

1 (42 U.S.C. 402 note), and to the Department of Defense  
2 Military Retirement Fund, \$26,939,792,000.

3 *MILITARY PERSONNEL, NAVY*

4 *For pay, allowances, individual clothing, subsistence,*  
5 *interest on deposits, gratuities, permanent change of station*  
6 *travel (including all expenses thereof for organizational*  
7 *movements), and expenses of temporary duty travel between*  
8 *permanent duty stations, for members of the Navy on active*  
9 *duty (except members of the Reserve provided for elsewhere),*  
10 *midshipmen, and aviation cadets; and for payments pursu-*  
11 *ant to section 156 of Public Law 97-377, as amended (42*  
12 *U.S.C. 402 note), and to the Department of Defense Mili-*  
13 *tary Retirement Fund, \$21,975,201,000.*

14 *MILITARY PERSONNEL, MARINE CORPS*

15 *For pay, allowances, individual clothing, subsistence,*  
16 *interest on deposits, gratuities, permanent change of station*  
17 *travel (including all expenses thereof for organizational*  
18 *movements), and expenses of temporary duty travel between*  
19 *permanent duty stations, for members of the Marine Corps*  
20 *on active duty (except members of the Reserve provided for*  
21 *elsewhere); and for payments pursuant to section 156 of*  
22 *Public Law 97-377, as amended (42 U.S.C. 402 note), and*  
23 *to the Department of Defense Military Retirement Fund,*  
24 *\$8,507,187,000.*

1                    *MILITARY PERSONNEL, AIR FORCE*

2            *For pay, allowances, individual clothing, subsistence,*  
3 *interest on deposits, gratuities, permanent change of station*  
4 *travel (including all expenses thereof for organizational*  
5 *movements), and expenses of temporary duty travel between*  
6 *permanent duty stations, for members of the Air Force on*  
7 *active duty (except members of reserve components provided*  
8 *for elsewhere), cadets, and aviation cadets; and for pay-*  
9 *ments pursuant to section 156 of Public Law 97-377, as*  
10 *amended (42 U.S.C. 402 note), and to the Department of*  
11 *Defense Military Retirement Fund, \$22,036,405,000.*

12                    *RESERVE PERSONNEL, ARMY*

13            *For pay, allowances, clothing, subsistence, gratuities,*  
14 *travel, and related expenses for personnel of the Army Re-*  
15 *serve on active duty under sections 10211, 10302, and 3038*  
16 *of title 10, United States Code, or while serving on active*  
17 *duty under section 12301(d) of title 10, United States Code,*  
18 *in connection with performing duty specified in section*  
19 *12310(a) of title 10, United States Code, or while under-*  
20 *going reserve training, or while performing drills or equiva-*  
21 *lent duty or other duty, and for members of the Reserve*  
22 *Officers' Training Corps, and expenses authorized by sec-*  
23 *tion 16131 of title 10, United States Code; and for pay-*  
24 *ments to the Department of Defense Military Retirement*  
25 *Fund, \$3,402,055,000.*

1                    *RESERVE PERSONNEL, NAVY*

2            *For pay, allowances, clothing, subsistence, gratuities,*  
3 *travel, and related expenses for personnel of the Navy Re-*  
4 *serve on active duty under section 10211 of title 10, United*  
5 *States Code, or while serving on active duty under section*  
6 *12301(d) of title 10, United States Code, in connection with*  
7 *performing duty specified in section 12310(a) of title 10,*  
8 *United States Code, or while undergoing reserve training,*  
9 *or while performing drills or equivalent duty, and for mem-*  
10 *bers of the Reserve Officers' Training Corps, and expenses*  
11 *authorized by section 16131 of title 10, United States Code;*  
12 *and for payments to the Department of Defense Military*  
13 *Retirement Fund, \$1,918,352,000.*

14                    *RESERVE PERSONNEL, MARINE CORPS*

15            *For pay, allowances, clothing, subsistence, gratuities,*  
16 *travel, and related expenses for personnel of the Marine*  
17 *Corps Reserve on active duty under section 10211 of title*  
18 *10, United States Code, or while serving on active duty*  
19 *under section 12301(d) of title 10, United States Code, in*  
20 *connection with performing duty specified in section*  
21 *12310(a) of title 10, United States Code, or while under-*  
22 *going reserve training, or while performing drills or equiva-*  
23 *lent duty, and for members of the Marine Corps platoon*  
24 *leaders class, and expenses authorized by section 16131 of*  
25 *title 10, United States Code; and for payments to the De-*

1 *partment of Defense Military Retirement Fund,*  
2 *\$554,383,000.*

3 *RESERVE PERSONNEL, AIR FORCE*

4 *For pay, allowances, clothing, subsistence, gratuities,*  
5 *travel, and related expenses for personnel of the Air Force*  
6 *Reserve on active duty under sections 10211, 10305, and*  
7 *8038 of title 10, United States Code, or while serving on*  
8 *active duty under section 12301(d) of title 10, United States*  
9 *Code, in connection with performing duty specified in sec-*  
10 *tion 12310(a) of title 10, United States Code, or while un-*  
11 *dergoing reserve training, or while performing drills or*  
12 *equivalent duty or other duty, and for members of the Air*  
13 *Reserve Officers' Training Corps, and expenses authorized*  
14 *by section 16131 of title 10, United States Code; and for*  
15 *payments to the Department of Defense Military Retire-*  
16 *ment Fund, \$1,237,504,000.*

17 *NATIONAL GUARD PERSONNEL, ARMY*

18 *For pay, allowances, clothing, subsistence, gratuities,*  
19 *travel, and related expenses for personnel of the Army Na-*  
20 *tional Guard while on duty under section 10211, 10302,*  
21 *or 12402 of title 10 or section 708 of title 32, United States*  
22 *Code, or while serving on duty under section 12301(d) of*  
23 *title 10 or section 502(f) of title 32, United States Code,*  
24 *in connection with performing duty specified in section*  
25 *12310(a) of title 10, United States Code, or while under-*



1 *going training, or while performing drills or equivalent*  
 2 *duty or other duty, and expenses authorized by section*  
 3 *16131 of title 10, United States Code; and for payments*  
 4 *to the Department of Defense Military Retirement Fund,*  
 5 *\$5,128,588,000.*

6 *NATIONAL GUARD PERSONNEL, AIR FORCE*

7 *For pay, allowances, clothing, subsistence, gratuities,*  
 8 *travel, and related expenses for personnel of the Air Na-*  
 9 *tional Guard on duty under section 10211, 10305, or 12402*  
 10 *of title 10 or section 708 of title 32, United States Code,*  
 11 *or while serving on duty under section 12301(d) of title 10*  
 12 *or section 502(f) of title 32, United States Code, in connec-*  
 13 *tion with performing duty specified in section 12310(a) of*  
 14 *title 10, United States Code, or while undergoing training,*  
 15 *or while performing drills or equivalent duty or other duty,*  
 16 *and expenses authorized by section 16131 of title 10, United*  
 17 *States Code; and for payments to the Department of Defense*  
 18 *Military Retirement Fund, \$2,126,061,000.*

19 *TITLE II*

20 *OPERATION AND MAINTENANCE*

21 *OPERATION AND MAINTENANCE, ARMY*

22 *For expenses, not otherwise provided for, necessary for*  
 23 *the operation and maintenance of the Army, as authorized*  
 24 *by law; and not to exceed \$10,818,000 can be used for emer-*  
 25 *gencies and extraordinary expenses, to be expended on the*

1 approval or authority of the Secretary of the Army, and  
2 payments may be made on his certificate of necessity for  
3 confidential military purposes, \$24,048,107,000: Provided,  
4 That of the funds appropriated in this paragraph, not less  
5 than \$355,000,000 shall be made available only for conven-  
6 tional ammunition care and maintenance.

7                   OPERATION AND MAINTENANCE, NAVY

8           For expenses, not otherwise provided for, necessary for  
9 the operation and maintenance of the Navy and the Marine  
10 Corps, as authorized by law; and not to exceed \$4,415,000  
11 can be used for emergencies and extraordinary expenses, to  
12 be expended on the approval or authority of the Secretary  
13 of the Navy, and payments may be made on his certificate  
14 of necessity for confidential military purposes,  
15 \$29,410,276,000.

16                   OPERATION AND MAINTENANCE, MARINE CORPS

17           For expenses, not otherwise provided for, necessary for  
18 the operation and maintenance of the Marine Corps, as au-  
19 thorized by law, \$3,576,142,000.

20                   OPERATION AND MAINTENANCE, AIR FORCE

21           For expenses, not otherwise provided for, necessary for  
22 the operation and maintenance of the Air Force, as author-  
23 ized by law; and not to exceed \$7,902,000 can be used for  
24 emergencies and extraordinary expenses, to be expended on  
25 the approval or authority of the Secretary of the Air Force,

1 *and payments may be made on his certificate of necessity*  
2 *for confidential military purposes, \$27,463,678,000.*

3 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

4 *For expenses, not otherwise provided for, necessary for*  
5 *the operation and maintenance of activities and agencies*  
6 *of the Department of Defense (other than the military de-*  
7 *partments), as authorized by law, \$14,527,853,000, of*  
8 *which not to exceed \$25,000,000 may be available for the*  
9 *CINC initiative fund account; and of which not to exceed*  
10 *\$34,500,000 can be used for emergencies and extraordinary*  
11 *expenses, to be expended on the approval or authority of*  
12 *the Secretary of Defense, and payments may be made on*  
13 *his certificate of necessity for confidential military pur-*  
14 *poses.*

15 *OPERATION AND MAINTENANCE, ARMY RESERVE*

16 *For expenses, not otherwise provided for, necessary for*  
17 *the operation and maintenance, including training, organi-*  
18 *zation, and administration, of the Army Reserve; repair of*  
19 *facilities and equipment; hire of passenger motor vehicles;*  
20 *travel and transportation; care of the dead; recruiting; pro-*  
21 *curement of services, supplies, and equipment; and commu-*  
22 *nications, \$1,963,710,000.*

23 *OPERATION AND MAINTENANCE, NAVY RESERVE*

24 *For expenses, not otherwise provided for, necessary for*  
25 *the operation and maintenance, including training, organi-*

1 zation, and administration, of the Navy Reserve; repair of  
 2 facilities and equipment; hire of passenger motor vehicles;  
 3 travel and transportation; care of the dead; recruiting; pro-  
 4 curement of services, supplies, and equipment; and commu-  
 5 nications, \$1,233,759,000.

6 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

7 *For expenses, not otherwise provided for, necessary for*  
 8 *the operation and maintenance, including training, organi-*  
 9 *zation, and administration, of the Marine Corps Reserve;*  
 10 *repair of facilities and equipment; hire of passenger motor*  
 11 *vehicles; travel and transportation; care of the dead; recruit-*  
 12 *ing; procurement of services, supplies, and equipment; and*  
 13 *communications, \$185,532,000.*

14 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

15 *For expenses, not otherwise provided for, necessary for*  
 16 *the operation and maintenance, including training, organi-*  
 17 *zation, and administration, of the Air Force Reserve; repair*  
 18 *of facilities and equipment; hire of passenger motor vehicles;*  
 19 *travel and transportation; care of the dead; recruiting; pro-*  
 20 *curement of services, supplies, and equipment; and commu-*  
 21 *nications, \$2,160,604,000.*

22 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

23 *For expenses of training, organizing, and admin-*  
 24 *istering the Army National Guard, including medical and*  
 25 *hospital treatment and related expenses in non-Federal hos-*

1   *pitals; maintenance, operation, and repairs to structures*  
2   *and facilities; hire of passenger motor vehicles; personnel*  
3   *services in the National Guard Bureau; travel expenses*  
4   *(other than mileage), as authorized by law for Army per-*  
5   *sonnel on active duty, for Army National Guard division,*  
6   *regimental, and battalion commanders while inspecting*  
7   *units in compliance with National Guard Bureau regula-*  
8   *tions when specifically authorized by the Chief, National*  
9   *Guard Bureau; supplying and equipping the Army Na-*  
10   *tional Guard as authorized by law; and expenses of repair,*  
11   *modification, maintenance, and issue of supplies and*  
12   *equipment (including aircraft), \$4,266,412,000.*

13   *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

14   *For operation and maintenance of the Air National*  
15   *Guard, including medical and hospital treatment and re-*  
16   *lated expenses in non-Federal hospitals; maintenance, oper-*  
17   *ation, repair, and other necessary expenses of facilities for*  
18   *the training and administration of the Air National Guard,*  
19   *including repair of facilities, maintenance, operation, and*  
20   *modification of aircraft; transportation of things, hire of*  
21   *passenger motor vehicles; supplies, materials, and equip-*  
22   *ment, as authorized by law for the Air National Guard;*  
23   *and expenses incident to the maintenance and use of sup-*  
24   *plies, materials, and equipment, including such as may be*  
25   *furnished from stocks under the control of agencies of the*

1 *Department of Defense; travel expenses (other than mileage)*  
2 *on the same basis as authorized by law for Air National*  
3 *Guard personnel on active Federal duty, for Air National*  
4 *Guard commanders while inspecting units in compliance*  
5 *with National Guard Bureau regulations when specifically*  
6 *authorized by the Chief, National Guard Bureau,*  
7 *\$4,113,460,000.*

8 *OVERSEAS CONTINGENCY OPERATIONS TRANSFER*  
9 *ACCOUNT*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For expenses directly relating to Overseas Contingency*  
12 *Operations by United States military forces, \$50,000,000,*  
13 *to remain available until expended: Provided, That the Sec-*  
14 *retary of Defense may transfer these funds only to military*  
15 *personnel accounts; operation and maintenance accounts*  
16 *within this title; the Defense Health Program appropria-*  
17 *tion; procurement accounts; research, development, test and*  
18 *evaluation accounts; and to working capital funds: Pro-*  
19 *vided further, That the funds transferred shall be merged*  
20 *with and shall be available for the same purposes and for*  
21 *the same time period, as the appropriation to which trans-*  
22 *ferred: Provided further, That upon a determination that*  
23 *all or part of the funds transferred from this appropriation*  
24 *are not necessary for the purposes provided herein, such*  
25 *amounts may be transferred back to this appropriation:*

1 *Provided further, That the transfer authority provided in*  
2 *this paragraph is in addition to any other transfer author-*  
3 *ity contained elsewhere in this Act.*

4 *UNITED STATES COURTS OF APPEALS FOR THE ARMED*  
5 *FORCES*

6 *For salaries and expenses necessary for the United*  
7 *States Court of Appeals for the Armed Forces, \$9,614,000,*  
8 *of which not to exceed \$2,500 can be used for official rep-*  
9 *resentation purposes.*

10 *ENVIRONMENTAL RESTORATION, ARMY*  
11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For the Department of the Army, \$395,900,000, to re-*  
13 *main available until transferred: Provided, That the Sec-*  
14 *retary of the Army shall, upon determining that such funds*  
15 *are required for environmental restoration, reduction and*  
16 *recycling of hazardous waste, removal of unsafe buildings*  
17 *and debris of the Department of the Army, or for similar*  
18 *purposes, transfer the funds made available by this appro-*  
19 *priation to other appropriations made available to the De-*  
20 *partment of the Army, to be merged with and to be available*  
21 *for the same purposes and for the same time period as the*  
22 *appropriations to which transferred: Provided further, That*  
23 *upon a determination that all or part of the funds trans-*  
24 *ferred from this appropriation are not necessary for the*

1 *purposes provided herein, such amounts may be transferred*  
2 *back to this appropriation.*

3 *ENVIRONMENTAL RESTORATION, NAVY*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For the Department of the Navy, \$256,948,000, to re-*  
6 *main available until transferred: Provided, That the Sec-*  
7 *retary of the Navy shall, upon determining that such funds*  
8 *are required for environmental restoration, reduction and*  
9 *recycling of hazardous waste, removal of unsafe buildings*  
10 *and debris of the Department of the Navy, or for similar*  
11 *purposes, transfer the funds made available by this appro-*  
12 *priation to other appropriations made available to the De-*  
13 *partment of the Navy, to be merged with and to be available*  
14 *for the same purposes and for the same time period as the*  
15 *appropriations to which transferred: Provided further, That*  
16 *upon a determination that all or part of the funds trans-*  
17 *ferred from this appropriation are not necessary for the*  
18 *purposes provided herein, such amounts may be transferred*  
19 *back to this appropriation.*

20 *ENVIRONMENTAL RESTORATION, AIR FORCE*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For the Department of the Air Force, \$389,773,000,*  
23 *to remain available until transferred: Provided, That the*  
24 *Secretary of the Air Force shall, upon determining that*  
25 *such funds are required for environmental restoration, re-*



1 *duction and recycling of hazardous waste, removal of unsafe*  
2 *buildings and debris of the Department of the Air Force,*  
3 *or for similar purposes, transfer the funds made available*  
4 *by this appropriation to other appropriations made avail-*  
5 *able to the Department of the Air Force, to be merged with*  
6 *and to be available for the same purposes and for the same*  
7 *time period as the appropriations to which transferred:*  
8 *Provided further, That upon a determination that all or*  
9 *part of the funds transferred from this appropriation are*  
10 *not necessary for the purposes provided herein, such*  
11 *amounts may be transferred back to this appropriation.*

12 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *For the Department of Defense, \$23,498,000, to remain*  
15 *available until transferred: Provided, That the Secretary of*  
16 *Defense shall, upon determining that such funds are re-*  
17 *quired for environmental restoration, reduction and recy-*  
18 *cling of hazardous waste, removal of unsafe buildings and*  
19 *debris of the Department of Defense, or for similar purposes,*  
20 *transfer the funds made available by this appropriation to*  
21 *other appropriations made available to the Department of*  
22 *Defense, to be merged with and to be available for the same*  
23 *purposes and for the same time period as the appropria-*  
24 *tions to which transferred: Provided further, That upon a*  
25 *determination that all or part of the funds transferred from*

1 *this appropriation are not necessary for the purposes pro-*  
2 *vided herein, such amounts may be transferred back to this*  
3 *appropriation.*

4       *ENVIRONMENTAL RESTORATION, FORMERLY USED*  
5                       *DEFENSE SITES*  
6                       *(INCLUDING TRANSFER OF FUNDS)*

7       *For the Department of the Army, \$252,102,000, to re-*  
8 *main available until transferred: Provided, That the Sec-*  
9 *retary of the Army shall, upon determining that such funds*  
10 *are required for environmental restoration, reduction and*  
11 *recycling of hazardous waste, removal of unsafe buildings*  
12 *and debris at sites formerly used by the Department of De-*  
13 *fense, transfer the funds made available by this appropria-*  
14 *tion to other appropriations made available to the Depart-*  
15 *ment of the Army, to be merged with and to be available*  
16 *for the same purposes and for the same time period as the*  
17 *appropriations to which transferred: Provided further, That*  
18 *upon a determination that all or part of the funds trans-*  
19 *ferred from this appropriation are not necessary for the*  
20 *purposes provided herein, such amounts may be transferred*  
21 *back to this appropriation.*

22       *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

23       *For expenses relating to the Overseas Humanitarian,*  
24 *Disaster, and Civic Aid programs of the Department of De-*  
25 *fense (consisting of the programs provided under sections*

1 401, 402, 404, 2547, and 2551 of title 10, United States  
2 Code), \$58,400,000, to remain available until September  
3 30, 2004.

4 *FORMER SOVIET UNION THREAT REDUCTION*

5 *For assistance to the republics of the former Soviet*  
6 *Union, including assistance provided by contract or by*  
7 *grants, for facilitating the elimination and the safe and se-*  
8 *cure transportation and storage of nuclear, chemical and*  
9 *other weapons; for establishing programs to prevent the pro-*  
10 *liferation of weapons, weapons components, and weapon-*  
11 *related technology and expertise; for programs relating to*  
12 *the training and support of defense and military personnel*  
13 *for demilitarization and protection of weapons, weapons*  
14 *components and weapons technology and expertise, and for*  
15 *defense and military contacts, \$416,700,000, to remain*  
16 *available until September 30, 2005: Provided, That of the*  
17 *amounts provided under this heading, \$10,000,000 shall be*  
18 *available only to support the dismantling and disposal of*  
19 *nuclear submarines and submarine reactor components in*  
20 *the Russian Far East.*

21 *SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS,*

22 *DEFENSE*

23 *For logistical and security support for international*  
24 *sporting competitions (including pay and non-travel re-*  
25 *lated allowances only for members of the Reserve Compo-*

1 nents of the Armed Forces of the United States called or  
2 ordered to active duty in connection with providing such  
3 support), \$19,000,000, to remain available until expended.

### 4 TITLE III

### 5 PROCUREMENT

#### 6 AIRCRAFT PROCUREMENT, ARMY

7 For construction, procurement, production, modifica-  
8 tion, and modernization of aircraft, equipment, including  
9 ordnance, ground handling equipment, spare parts, and ac-  
10 cessories therefor; specialized equipment and training de-  
11 vices; expansion of public and private plants, including the  
12 land necessary therefor, for the foregoing purposes, and such  
13 lands and interests therein, may be acquired, and construc-  
14 tion prosecuted thereon prior to approval of title; and pro-  
15 curement and installation of equipment, appliances, and  
16 machine tools in public and private plants; reserve plant  
17 and Government and contractor-owned equipment layaway;  
18 and other expenses necessary for the foregoing purposes,  
19 \$2,249,389,000, to remain available for obligation until  
20 September 30, 2005.

#### 21 MISSILE PROCUREMENT, ARMY

22 For construction, procurement, production, modifica-  
23 tion, and modernization of missiles, equipment, including  
24 ordnance, ground handling equipment, spare parts, and ac-  
25 cessories therefor; specialized equipment and training de-

1 *vices; expansion of public and private plants, including the*  
2 *land necessary therefor, for the foregoing purposes, and such*  
3 *lands and interests therein, may be acquired, and construc-*  
4 *tion prosecuted thereon prior to approval of title; and pro-*  
5 *curement and installation of equipment, appliances, and*  
6 *machine tools in public and private plants; reserve plant*  
7 *and Government and contractor-owned equipment layaway;*  
8 *and other expenses necessary for the foregoing purposes,*  
9 *\$1,585,672,000, to remain available for obligation until*  
10 *September 30, 2005.*

11     *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*  
12                     *VEHICLES, ARMY*

13     *For construction, procurement, production, and modi-*  
14 *fication of weapons and tracked combat vehicles, equipment,*  
15 *including ordnance, spare parts, and accessories therefor;*  
16 *specialized equipment and training devices; expansion of*  
17 *public and private plants, including the land necessary*  
18 *therefor, for the foregoing purposes, and such lands and in-*  
19 *terests therein, may be acquired, and construction pros-*  
20 *ecuted thereon prior to approval of title; and procurement*  
21 *and installation of equipment, appliances, and machine*  
22 *tools in public and private plants; reserve plant and Gov-*  
23 *ernment and contractor-owned equipment layaway; and*  
24 *other expenses necessary for the foregoing purposes,*

1 \$2,242,058,000, to remain available for obligation until  
2 September 30, 2005.

3 *PROCUREMENT OF AMMUNITION, ARMY*

4 *For construction, procurement, production, and modi-*  
5 *fication of ammunition, and accessories therefor; specialized*  
6 *equipment and training devices; expansion of public and*  
7 *private plants, including ammunition facilities authorized*  
8 *by section 2854 of title 10, United States Code, and the*  
9 *land necessary therefor, for the foregoing purposes, and such*  
10 *lands and interests therein, may be acquired, and construc-*  
11 *tion prosecuted thereon prior to approval of title; and pro-*  
12 *curement and installation of equipment, appliances, and*  
13 *machine tools in public and private plants; reserve plant*  
14 *and Government and contractor-owned equipment layaway;*  
15 *and other expenses necessary for the foregoing purposes,*  
16 *\$1,258,599,000, to remain available for obligation until*  
17 *September 30, 2005.*

18 *OTHER PROCUREMENT, ARMY*

19 *For construction, procurement, production, and modi-*  
20 *fication of vehicles, including tactical, support, and non-*  
21 *tracked combat vehicles; the purchase of passenger motor ve-*  
22 *hicles for replacement only; and the purchase of 6 vehicles*  
23 *required for physical security of personnel, notwithstanding*  
24 *price limitations applicable to passenger vehicles but not*  
25 *to exceed \$180,000 per vehicle; communications and elec-*

1 *tronic equipment; other support equipment; spare parts,*  
2 *ordnance, and accessories therefor; specialized equipment*  
3 *and training devices; expansion of public and private*  
4 *plants, including the land necessary therefor, for the fore-*  
5 *going purposes, and such lands and interests therein, may*  
6 *be acquired, and construction prosecuted thereon prior to*  
7 *approval of title; and procurement and installation of*  
8 *equipment, appliances, and machine tools in public and*  
9 *private plants; reserve plant and Government and con-*  
10 *tractor-owned equipment layaway; and other expenses nec-*  
11 *essary for the foregoing purposes, \$5,783,439,000, to remain*  
12 *available for obligation until September 30, 2005.*

13 *AIRCRAFT PROCUREMENT, NAVY*

14 *For construction, procurement, production, modifica-*  
15 *tion, and modernization of aircraft, equipment, including*  
16 *ordnance, spare parts, and accessories therefor; specialized*  
17 *equipment; expansion of public and private plants, includ-*  
18 *ing the land necessary therefor, and such lands and inter-*  
19 *ests therein, may be acquired, and construction prosecuted*  
20 *thereon prior to approval of title; and procurement and in-*  
21 *stallation of equipment, appliances, and machine tools in*  
22 *public and private plants; reserve plant and Government*  
23 *and contractor-owned equipment layaway, \$8,849,955,000,*  
24 *to remain available for obligation until September 30,*  
25 *2005.*

## WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$1,856,617,000, to remain available for obligation until September 30, 2005.

## PROCUREMENT OF AMMUNITION, NAVY AND MARINE

## CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant



1 *and Government and contractor-owned equipment layaway;*  
 2 *and other expenses necessary for the foregoing purposes,*  
 3 *\$1,169,152,000, to remain available for obligation until*  
 4 *September 30, 2005.*

5 *SHIPBUILDING AND CONVERSION, NAVY*

6 *For expenses necessary for the construction, acquisi-*  
 7 *tion, or conversion of vessels as authorized by law, includ-*  
 8 *ing armor and armament thereof, plant equipment, appli-*  
 9 *ances, and machine tools and installation thereof in public*  
 10 *and private plants; reserve plant and Government and con-*  
 11 *tractor-owned equipment layaway; procurement of critical,*  
 12 *long leadtime components and designs for vessels to be con-*  
 13 *structed or converted in the future; and expansion of public*  
 14 *and private plants, including land necessary therefor, and*  
 15 *such lands and interests therein, may be acquired, and con-*  
 16 *struction prosecuted thereon prior to approval of title, as*  
 17 *follows:*

18 *Carrier Replacement Program (AP),*  
 19 *\$472,703,000;*  
 20 *SSGN, \$404,305,000;*  
 21 *SSGN (AP), \$421,000,000;*  
 22 *NSSN, \$1,512,652,000;*  
 23 *NSSN (AP), \$645,209,000;*  
 24 *CVN Refuelings, \$24,000,000;*  
 25 *CVN Refuelings (AP), \$195,781,000;*

1           *Submarine Refuelings, \$435,792,000;*  
2           *DDG-51 Destroyer, \$2,321,502,000;*  
3           *LPD-17, \$596,492,000;*  
4           *LHD-8, \$243,000,000;*  
5           *LCAC Landing Craft Air Cushion, \$89,638,000;*  
6           *Prior year shipbuilding costs, \$1,481,955,000;*  
7           *Service Craft, \$6,756,000; and*  
8           *For outfitting, post delivery, conversions, and*  
9           *first destination transportation, \$300,608,000;*  
10          *In all: \$9,151,393,000, to remain available for obliga-*  
11          *tion until September 30, 2007: Provided, That additional*  
12          *obligations may be incurred after September 30, 2007, for*  
13          *engineering services, tests, evaluations, and other such budg-*  
14          *eted work that must be performed in the final stage of ship*  
15          *construction: Provided further, That none of the funds pro-*  
16          *vided under this heading for the construction or conversion*  
17          *of any naval vessel to be constructed in shipyards in the*  
18          *United States shall be expended in foreign facilities for the*  
19          *construction of major components of such vessel: Provided*  
20          *further, That none of the funds provided under this heading*  
21          *shall be used for the construction of any naval vessel in*  
22          *foreign shipyards.*

23                           *OTHER PROCUREMENT, NAVY*

24          *For procurement, production, and modernization of*  
25          *support equipment and materials not otherwise provided*

1 *for, Navy ordnance (except ordnance for new aircraft, new*  
2 *ships, and ships authorized for conversion); the purchase*  
3 *of passenger motor vehicles for replacement only, and the*  
4 *purchase of 3 vehicles required for physical security of per-*  
5 *sonnel, notwithstanding price limitations applicable to pas-*  
6 *senger vehicles but not to exceed \$180,000 per vehicle; ex-*  
7 *pansion of public and private plants, including the land*  
8 *necessary therefor, and such lands and interests therein,*  
9 *may be acquired, and construction prosecuted thereon prior*  
10 *to approval of title; and procurement and installation of*  
11 *equipment, appliances, and machine tools in public and*  
12 *private plants; reserve plant and Government and con-*  
13 *tractor-owned equipment layaway, \$4,500,710,000, to re-*  
14 *main available for obligation until September 30, 2005.*

15 *PROCUREMENT, MARINE CORPS*

16 *For expenses necessary for the procurement, manufac-*  
17 *ture, and modification of missiles, armament, military*  
18 *equipment, spare parts, and accessories therefor; plant*  
19 *equipment, appliances, and machine tools, and installation*  
20 *thereof in public and private plants; reserve plant and Gov-*  
21 *ernment and contractor-owned equipment layaway; vehicles*  
22 *for the Marine Corps, including the purchase of passenger*  
23 *motor vehicles for replacement only; and expansion of pub-*  
24 *lic and private plants, including land necessary therefor,*  
25 *and such lands and interests therein, may be acquired, and*

1 *construction prosecuted thereon prior to approval of title,*  
2 *\$1,357,383,000, to remain available for obligation until*  
3 *September 30, 2005.*

4 *AIRCRAFT PROCUREMENT, AIR FORCE*

5 *For construction, procurement, lease, and modification*  
6 *of aircraft and equipment, including armor and armament,*  
7 *specialized ground handling equipment, and training de-*  
8 *vices, spare parts, and accessories therefor; specialized*  
9 *equipment; expansion of public and private plants, Govern-*  
10 *ment-owned equipment and installation thereof in such*  
11 *plants, erection of structures, and acquisition of land, for*  
12 *the foregoing purposes, and such lands and interests therein,*  
13 *may be acquired, and construction prosecuted thereon prior*  
14 *to approval of title; reserve plant and Government and con-*  
15 *tractor-owned equipment layaway; and other expenses nec-*  
16 *essary for the foregoing purposes including rents and trans-*  
17 *portation of things, \$13,085,555,000, to remain available*  
18 *for obligation until September 30, 2005.*

19 *MISSILE PROCUREMENT, AIR FORCE*

20 *For construction, procurement, and modification of*  
21 *missiles, spacecraft, rockets, and related equipment, includ-*  
22 *ing spare parts and accessories therefor, ground handling*  
23 *equipment, and training devices; expansion of public and*  
24 *private plants, Government-owned equipment and installa-*  
25 *tion thereof in such plants, erection of structures, and ac-*

1 *quisition of land, for the foregoing purposes, and such lands*  
2 *and interests therein, may be acquired, and construction*  
3 *prosecuted thereon prior to approval of title; reserve plant*  
4 *and Government and contractor-owned equipment layaway;*  
5 *and other expenses necessary for the foregoing purposes in-*  
6 *cluding rents and transportation of things, \$3,364,639,000,*  
7 *to remain available for obligation until September 30,*  
8 *2005.*

9 *PROCUREMENT OF AMMUNITION, AIR FORCE*

10 *For construction, procurement, production, and modi-*  
11 *fication of ammunition, and accessories therefor; specialized*  
12 *equipment and training devices; expansion of public and*  
13 *private plants, including ammunition facilities authorized*  
14 *by section 2854 of title 10, United States Code, and the*  
15 *land necessary therefor, for the foregoing purposes, and such*  
16 *lands and interests therein, may be acquired, and construc-*  
17 *tion prosecuted thereon prior to approval of title; and pro-*  
18 *curement and installation of equipment, appliances, and*  
19 *machine tools in public and private plants; reserve plant*  
20 *and Government and contractor-owned equipment layaway;*  
21 *and other expenses necessary for the foregoing purposes,*  
22 *\$1,281,864,000, to remain available for obligation until*  
23 *September 30, 2005.*

1                    *OTHER PROCUREMENT, AIR FORCE*

2            *For procurement and modification of equipment (in-*  
3 *cluding ground guidance and electronic control equipment,*  
4 *and ground electronic and communication equipment), and*  
5 *supplies, materials, and spare parts therefor, not otherwise*  
6 *provided for; the purchase of passenger motor vehicles for*  
7 *replacement only, and the purchase of 2 vehicles required*  
8 *for physical security of personnel, notwithstanding price*  
9 *limitations applicable to passenger vehicles but not to ex-*  
10 *ceed \$180,000 per vehicle; lease of passenger motor vehicles;*  
11 *and expansion of public and private plants, Government-*  
12 *owned equipment and installation thereof in such plants,*  
13 *erection of structures, and acquisition of land, for the fore-*  
14 *going purposes, and such lands and interests therein, may*  
15 *be acquired, and construction prosecuted thereon, prior to*  
16 *approval of title; reserve plant and Government and con-*  
17 *tractor-owned equipment layaway, \$10,628,958,000, to re-*  
18 *main available for obligation until September 30, 2005.*

19                    *PROCUREMENT, DEFENSE-WIDE*

20            *For expenses of activities and agencies of the Depart-*  
21 *ment of Defense (other than the military departments) nec-*  
22 *essary for procurement, production, and modification of*  
23 *equipment, supplies, materials, and spare parts therefor,*  
24 *not otherwise provided for; the purchase of passenger motor*  
25 *vehicles for replacement only; the purchase of 4 vehicles re-*

1 *quired for physical security of personnel, notwithstanding*  
2 *price limitations applicable to passenger vehicles but not*  
3 *to exceed \$180,000 per vehicle; expansion of public and pri-*  
4 *vate plants, equipment, and installation thereof in such*  
5 *plants, erection of structures, and acquisition of land for*  
6 *the foregoing purposes, and such lands and interests therein,*  
7 *may be acquired, and construction prosecuted thereon prior*  
8 *to approval of title; reserve plant and Government and con-*  
9 *tractor-owned equipment layaway, \$2,958,285,000, to re-*  
10 *main available for obligation until September 30, 2005.*

11 *NATIONAL GUARD AND RESERVE EQUIPMENT*

12 *For procurement of aircraft, missiles, tracked combat*  
13 *vehicles, ammunition, other weapons, and other procure-*  
14 *ment for the reserve components of the Armed Forces,*  
15 *\$130,000,000, to remain available for obligation until Sep-*  
16 *tember 30, 2005: Provided, That the Chiefs of the Reserve*  
17 *and National Guard components shall, not later than 30*  
18 *days after the enactment of this Act, individually submit*  
19 *to the congressional defense committees the modernization*  
20 *priority assessment for their respective Reserve or National*  
21 *Guard component.*

22 *DEFENSE PRODUCTION ACT PURCHASES*

23 *For activities by the Department of Defense pursuant*  
24 *to sections 108, 301, 302, and 303 of the Defense Production*  
25 *Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093),*

1 \$73,057,000, to remain available until expended, of which,  
2 \$5,000,000 may be used for a Processable Rigid-Rod Poly-  
3 meric Material Supplier Initiative under title III of the De-  
4 fense Production Act of 1950 (50 U.S.C. App 2091 et seq.)  
5 to develop affordable production methods and a domestic  
6 supplier for military and commercial processable rigid-rod  
7 polymeric materials.

8 *TITLE IV*

9 *RESEARCH, DEVELOPMENT, TEST AND*

10 *EVALUATION*

11 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

12 *For expenses necessary for basic and applied scientific*  
13 *research, development, test and evaluation, including main-*  
14 *tenance, rehabilitation, lease, and operation of facilities*  
15 *and equipment, \$7,410,168,000, to remain available for ob-*  
16 *ligation until September 30, 2004.*

17 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

18 *For expenses necessary for basic and applied scientific*  
19 *research, development, test and evaluation, including main-*  
20 *tenance, rehabilitation, lease, and operation of facilities*  
21 *and equipment, \$13,275,735,000, to remain available for*  
22 *obligation until September 30, 2004: Provided, That funds*  
23 *appropriated in this paragraph which are available for the*  
24 *V-22 may be used to meet unique operational requirements*  
25 *of the Special Operations Forces.*



8      *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*  
9      *DEFENSE-WIDE*

19 *OPERATIONAL TEST AND EVALUATION, DEFENSE***HR 5010 RS**

1 *evaluation; and administrative expenses in connection*  
2 *therewith, \$302,554,000, to remain available for obligation*  
3 *until September 30, 2004.*

4 *TITLE V*

5 *REVOLVING AND MANAGEMENT FUNDS*

6 *DEFENSE WORKING CAPITAL FUNDS*

7 *For the Defense Working Capital Funds,*  
8 *\$1,784,956,000: Provided, That during fiscal year 2003,*  
9 *funds in the Defense Working Capital Funds may be used*  
10 *for the purchase of not to exceed 315 passenger carrying*  
11 *motor vehicles for replacement only for the Defense Security*  
12 *Service, and the purchase of not to exceed 7 vehicles for re-*  
13 *placement only for the Defense Logistics Agency.*

14 *NATIONAL DEFENSE SEALIFT FUND*

15 *For National Defense Sealift Fund programs, projects,*  
16 *and activities, and for expenses of the National Defense Re-*  
17 *serve Fleet, as established by section 11 of the Merchant*  
18 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*  
19 *necessary expenses to maintain and preserve a U.S.-flag*  
20 *merchant fleet to serve the national security needs of the*  
21 *United States, \$934,129,000, to remain available until ex-*  
22 *pended: Provided, That none of the funds provided in this*  
23 *paragraph shall be used to award a new contract that pro-*  
24 *vides for the acquisition of any of the following major com-*  
25 *ponents unless such components are manufactured in the*

1 *United States: auxiliary equipment, including pumps, for*  
 2 *all shipboard services; propulsion system components (that*  
 3 *is; engines, reduction gears, and propellers); shipboard*  
 4 *cranes; and spreaders for shipboard cranes: Provided fur-*  
 5 *ther, That the exercise of an option in a contract awarded*  
 6 *through the obligation of previously appropriated funds*  
 7 *shall not be considered to be the award of a new contract:*  
 8 *Provided further, That the Secretary of the military depart-*  
 9 *ment responsible for such procurement may waive the re-*  
 10 *strictions in the first proviso on a case-by-case basis by cer-*  
 11 *tifying in writing to the Committees on Appropriations of*  
 12 *the House of Representatives and the Senate that adequate*  
 13 *domestic supplies are not available to meet Department of*  
 14 *Defense requirements on a timely basis and that such an*  
 15 *acquisition must be made in order to acquire capability for*  
 16 *national security purposes.*

## 17 *TITLE VI*

### 18 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

#### 19 *DEFENSE HEALTH PROGRAM*

20 *For expenses, not otherwise provided for, for medical*  
 21 *and health care programs of the Department of Defense, as*  
 22 *authorized by law, \$14,961,497,000, of which*  
 23 *\$14,283,041,000 shall be for Operation and maintenance,*  
 24 *of which not to exceed 2 percent shall remain available until*  
 25 *September 30, 2004; of which \$284,242,000, to remain*

1 *available for obligation until September 30, 2005, shall be*  
2 *for Procurement; of which \$394,214,000, to remain avail-*  
3 *able for obligation until September 30, 2004, shall be for*  
4 *Research, development, test and evaluation.*

5 *CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY*

6 *For expenses, not otherwise provided for, necessary for*  
7 *the destruction of the United States stockpile of lethal chem-*  
8 *ical agents and munitions in accordance with the provi-*  
9 *sions of section 1412 of the Department of Defense Author-*  
10 *ization Act, 1986 (50 U.S.C. 1521), and for the destruction*  
11 *of other chemical warfare materials that are not in the*  
12 *chemical weapon stockpile, \$1,490,199,000, of which*  
13 *\$974,238,000 shall be for Operation and maintenance to re-*  
14 *main available until September 30, 2004, \$213,278,000*  
15 *shall be for Procurement to remain available until Sep-*  
16 *tember 30, 2005, and \$302,683,000 shall be for Research,*  
17 *development, test and evaluation to remain available until*  
18 *September 30, 2004: Provided, That of these funds*  
19 *\$507,500,000 shall not be available until five days after the*  
20 *Army notifies the Committees on Appropriations of the*  
21 *House and Senate that it is able to meet milestones agreed*  
22 *upon by the Office of the Secretary of Defense and the Office*  
23 *of Management and Budget.*

1     *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*  
2                                     *DEFENSE*

3                     *(INCLUDING TRANSFER OF FUNDS)*

4         *For drug interdiction and counter-drug activities of*  
5 *the Department of Defense, for transfer to appropriations*  
6 *available to the Department of Defense for military per-*  
7 *sonnel of the reserve components serving under the provi-*  
8 *sions of title 10 and title 32, United States Code; for Oper-*  
9 *ation and maintenance; for Procurement; and for Research,*  
10 *development, test and evaluation, \$916,107,000: Provided,*  
11 *That the funds appropriated under this heading shall be*  
12 *available for obligation for the same time period and for*  
13 *the same purpose as the appropriation to which transferred:*  
14 *Provided further, That upon a determination that all or*  
15 *part of the funds transferred from this appropriation are*  
16 *not necessary for the purposes provided herein, such*  
17 *amounts may be transferred back to this appropriation:*  
18 *Provided further, That the transfer authority provided*  
19 *under this heading is in addition to any other transfer au-*  
20 *thority contained elsewhere in this Act.*

21                     *OFFICE OF THE INSPECTOR GENERAL*

22         *For expenses and activities of the Office of the Inspec-*  
23 *tor General in carrying out the provisions of the Inspector*  
24 *General Act of 1978, as amended, \$157,165,000, of which*  
25 *\$155,165,000 shall be for Operation and maintenance, of*

1 *which not to exceed \$700,000 is available for emergencies*  
2 *and extraordinary expenses to be expended on the approval*  
3 *or authority of the Inspector General, and payments may*  
4 *be made on the Inspector General's certificate of necessity*  
5 *for confidential military purposes; and of which \$2,000,000*  
6 *to remain available until September 30, 2005, shall be for*  
7 *Procurement.*

8 *TITLE VII*

9 *RELATED AGENCIES*

10 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

11 *DISABILITY SYSTEM FUND*

12 *For payment to the Central Intelligence Agency Retire-*  
13 *ment and Disability System Fund, to maintain the proper*  
14 *funding level for continuing the operation of the Central*  
15 *Intelligence Agency Retirement and Disability System,*  
16 *\$212,000,000.*

17 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For necessary expenses of the Intelligence Community*  
20 *Management Account, \$122,754,000 of which \$24,252,000*  
21 *for the Advanced Research and Development Committee*  
22 *shall remain available until September 30, 2004: Provided,*  
23 *That of the funds appropriated under this heading,*  
24 *\$34,100,000 shall be transferred to the Department of Jus-*  
25 *tice for the National Drug Intelligence Center to support*

1 *the Department of Defense's counter-drug intelligence re-*  
2 *sponsibilities, and of the said amount, \$1,500,000 for Pro-*  
3 *curement shall remain available until September 30, 2005*  
4 *and \$1,000,000 for Research, development, test and evalua-*  
5 *tion shall remain available until September 30, 2004: Pro-*  
6 *vided further, That the National Drug Intelligence Center*  
7 *shall maintain the personnel and technical resources to pro-*  
8 *vide timely support to law enforcement authorities to con-*  
9 *duct document exploitation of materials collected in Fed-*  
10 *eral, State, and local law enforcement activity.*

11 *PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE,*  
12 *REMEDICATION, AND ENVIRONMENTAL RESTORATION FUND*  
13 *For payment to Kaho'olawe Island Conveyance, Reme-*  
14 *diation, and Environmental Restoration Fund, as author-*  
15 *ized by law, \$80,000,000, to remain available until ex-*  
16 *pended.*

17 *NATIONAL SECURITY EDUCATION TRUST FUND*  
18 *For the purposes of title VIII of Public Law 102-183,*  
19 *\$8,000,000, to be derived from the National Security Edu-*  
20 *cation Trust Fund, to remain available until expended.*

21 *TITLE VIII*

22 *GENERAL PROVISIONS*

23 *SEC. 8001. No part of any appropriation contained*  
24 *in this Act shall be used for publicity or propaganda pur-*  
25 *poses not authorized by the Congress.*

1       *SEC. 8002. During the current fiscal year, provisions*  
2 *of law prohibiting the payment of compensation to, or em-*  
3 *ployment of, any person not a citizen of the United States*  
4 *shall not apply to personnel of the Department of Defense:*  
5 *Provided, That salary increases granted to direct and indi-*  
6 *rect hire foreign national employees of the Department of*  
7 *Defense funded by this Act shall not be at a rate in excess*  
8 *of the percentage increase authorized by law for civilian*  
9 *employees of the Department of Defense whose pay is com-*  
10 *puted under the provisions of section 5332 of title 5, United*  
11 *States Code, or at a rate in excess of the percentage increase*  
12 *provided by the appropriate host nation to its own employ-*  
13 *ees, whichever is higher: Provided further, That this section*  
14 *shall not apply to Department of Defense foreign service*  
15 *national employees serving at United States diplomatic*  
16 *missions whose pay is set by the Department of State under*  
17 *the Foreign Service Act of 1980: Provided further, That the*  
18 *limitations of this provision shall not apply to foreign na-*  
19 *tional employees of the Department of Defense in the Re-*  
20 *public of Turkey.*

21       *SEC. 8003. No part of any appropriation contained*  
22 *in this Act shall remain available for obligation beyond the*  
23 *current fiscal year, unless expressly so provided herein.*

24       *SEC. 8004. No more than 20 percent of the appropri-*  
25 *ations in this Act which are limited for obligation during*



1 *the current fiscal year shall be obligated during the last 2*  
2 *months of the fiscal year: Provided, That this section shall*  
3 *not apply to obligations for support of active duty training*  
4 *of reserve components or summer camp training of the Re-*  
5 *serve Officers' Training Corps.*

6 (TRANSFER OF FUNDS)

7 SEC. 8005. *Upon determination by the Secretary of*  
8 *Defense that such action is necessary in the national inter-*  
9 *est, he may, with the approval of the Office of Management*  
10 *and Budget, transfer not to exceed \$2,000,000,000 of work-*  
11 *ing capital funds of the Department of Defense or funds*  
12 *made available in this Act to the Department of Defense*  
13 *for military functions (except military construction) be-*  
14 *tween such appropriations or funds or any subdivision*  
15 *thereof, to be merged with and to be available for the same*  
16 *purposes, and for the same time period, as the appropria-*  
17 *tion or fund to which transferred: Provided, That such au-*  
18 *thority to transfer may not be used unless for higher pri-*  
19 *ority items, based on unforeseen military requirements,*  
20 *than those for which originally appropriated and in no case*  
21 *where the item for which funds are requested has been de-*  
22 *nied by the Congress: Provided further, That the Secretary*  
23 *of Defense shall notify the Congress promptly of all transfers*  
24 *made pursuant to this authority or any other authority in*  
25 *this Act: Provided further, That no part of the funds in*  
26 *this Act shall be available to prepare or present a request*

1 *to the Committees on Appropriations for reprogramming*  
 2 *of funds, unless for higher priority items, based on unfore-*  
 3 *seen military requirements, than those for which originally*  
 4 *appropriated and in no case where the item for which re-*  
 5 *programming is requested has been denied by the Congress:*  
 6 *Provided further, That a request for multiple*  
 7 *reprogrammings of funds using authority provided in this*  
 8 *section must be made prior to May 31, 2003.*

9 (TRANSFER OF FUNDS)

10 SEC. 8006. *During the current fiscal year, cash bal-*  
 11 *ances in working capital funds of the Department of De-*  
 12 *fense established pursuant to section 2208 of title 10, United*  
 13 *States Code, may be maintained in only such amounts as*  
 14 *are necessary at any time for cash disbursements to be made*  
 15 *from such funds: Provided, That transfers may be made be-*  
 16 *tween such funds: Provided further, That transfers may be*  
 17 *made between working capital funds and the “Foreign Cur-*  
 18 *rency Fluctuations, Defense” appropriation and the “Oper-*  
 19 *ation and Maintenance” appropriation accounts in such*  
 20 *amounts as may be determined by the Secretary of Defense,*  
 21 *with the approval of the Office of Management and Budget,*  
 22 *except that such transfers may not be made unless the Sec-*  
 23 *retary of Defense has notified the Congress of the proposed*  
 24 *transfer. Except in amounts equal to the amounts appro-*  
 25 *priated to working capital funds in this Act, no obligations*  
 26 *may be made against a working capital fund to procure*

1 *or increase the value of war reserve material inventory, un-*  
2 *less the Secretary of Defense has notified the Congress prior*  
3 *to any such obligation.*

4 *SEC. 8007. Funds appropriated by this Act may not*  
5 *be used to initiate a special access program without prior*  
6 *notification 30 calendar days in session in advance to the*  
7 *congressional defense committees.*

8 *SEC. 8008. None of the funds provided in this Act shall*  
9 *be available to initiate: (1) a multiyear contract that em-*  
10 *loys economic order quantity procurement in excess of*  
11 *\$20,000,000 in any 1 year of the contract or that includes*  
12 *an unfunded contingent liability in excess of \$20,000,000;*  
13 *or (2) a contract for advance procurement leading to a*  
14 *multiyear contract that employs economic order quantity*  
15 *procurement in excess of \$20,000,000 in any 1 year, unless*  
16 *the congressional defense committees have been notified at*  
17 *least 30 days in advance of the proposed contract award:*  
18 *Provided, That no part of any appropriation contained in*  
19 *this Act shall be available to initiate a multiyear contract*  
20 *for which the economic order quantity advance procurement*  
21 *is not funded at least to the limits of the Government's li-*  
22 *ability: Provided further, That no part of any appropria-*  
23 *tion contained in this Act shall be available to initiate*  
24 *multiyear procurement contracts for any systems or compo-*  
25 *nent thereof if the value of the multiyear contract would*

1 *exceed \$500,000,000 unless specifically provided in this Act:*  
2 *Provided further, That no multiyear procurement contract*  
3 *can be terminated without 10-day prior notification to the*  
4 *congressional defense committees: Provided further, That the*  
5 *execution of multiyear authority shall require the use of a*  
6 *present value analysis to determine lowest cost compared*  
7 *to an annual procurement.*

8 *Funds appropriated in title III of this Act may be*  
9 *used for multiyear procurement contracts as follows:*

10 *C-130 aircraft;*  
11 *FMTV; and*  
12 *F/A-18E and F engine.*

13 *SEC. 8009. Within the funds appropriated for the oper-*  
14 *ation and maintenance of the Armed Forces, funds are here-*  
15 *by appropriated pursuant to section 401 of title 10, United*  
16 *States Code, for humanitarian and civic assistance costs*  
17 *under chapter 20 of title 10, United States Code. Such funds*  
18 *may also be obligated for humanitarian and civic assist-*  
19 *ance costs incidental to authorized operations and pursuant*  
20 *to authority granted in section 401 of chapter 20 of title*  
21 *10, United States Code, and these obligations shall be re-*  
22 *ported to the Congress as of September 30 of each year: Pro-*  
23 *vided, That funds available for operation and maintenance*  
24 *shall be available for providing humanitarian and similar*  
25 *assistance by using Civic Action Teams in the Trust Terri-*

1 *tories of the Pacific Islands and freely associated states of*  
2 *Micronesia, pursuant to the Compact of Free Association*  
3 *as authorized by Public Law 99–239: Provided further,*  
4 *That upon a determination by the Secretary of the Army*  
5 *that such action is beneficial for graduate medical edu-*  
6 *cation programs conducted at Army medical facilities lo-*  
7 *cated in Hawaii, the Secretary of the Army may authorize*  
8 *the provision of medical services at such facilities and*  
9 *transportation to such facilities, on a nonreimbursable*  
10 *basis, for civilian patients from American Samoa, the Com-*  
11 *monwealth of the Northern Mariana Islands, the Marshall*  
12 *Islands, the Federated States of Micronesia, Palau, and*  
13 *Guam.*

14       *SEC. 8010. (a) During fiscal year 2003, the civilian*  
15 *personnel of the Department of Defense may not be man-*  
16 *aged on the basis of any end-strength, and the management*  
17 *of such personnel during that fiscal year shall not be subject*  
18 *to any constraint or limitation (known as an end-strength)*  
19 *on the number of such personnel who may be employed on*  
20 *the last day of such fiscal year.*

21       *(b) The fiscal year 2004 budget request for the Depart-*  
22 *ment of Defense as well as all justification material and*  
23 *other documentation supporting the fiscal year 2004 De-*  
24 *partment of Defense budget request shall be prepared and*

1 *submitted to the Congress as if subsections (a) and (b) of*  
2 *this provision were effective with regard to fiscal year 2004.*

3 *(c) Nothing in this section shall be construed to apply*  
4 *to military (civilian) technicians.*

5 *SEC. 8011. Notwithstanding any other provision of*  
6 *law, none of the funds made available by this Act shall be*  
7 *used by the Department of Defense to exceed, outside the*  
8 *50 United States, its territories, and the District of Colum-*  
9 *bia, 125,000 civilian workyears: Provided, That workyears*  
10 *shall be applied as defined in the Federal Personnel Man-*  
11 *ual: Provided further, That workyears expended in depend-*  
12 *ent student hiring programs for disadvantaged youths shall*  
13 *not be included in this workyear limitation.*

14 *SEC. 8012. None of the funds made available by this*  
15 *Act shall be used in any way, directly or indirectly, to in-*  
16 *fluence congressional action on any legislation or appro-*  
17 *priation matters pending before the Congress.*

18 *SEC. 8013. None of the funds appropriated by this Act*  
19 *shall be available for the basic pay and allowances of any*  
20 *member of the Army participating as a full-time student*  
21 *and receiving benefits paid by the Secretary of Veterans Af-*  
22 *fairs from the Department of Defense Education Benefits*  
23 *Fund when time spent as a full-time student is credited*  
24 *toward completion of a service commitment: Provided, That*  
25 *this subsection shall not apply to those members who have*

1 reenlisted with this option prior to October 1, 1987: Pro-  
2 vided further, That this subsection applies only to active  
3 components of the Army.

4       SEC. 8014. None of the funds appropriated by this Act  
5 shall be available to convert to contractor performance an  
6 activity or function of the Department of Defense that, on  
7 or after the date of the enactment of this Act, is performed  
8 by more than 10 Department of Defense civilian employees  
9 until a most efficient and cost-effective organization anal-  
10 ysis is completed on such activity or function and certifi-  
11 cation of the analysis is made to the Committees on Appro-  
12 priations of the House of Representatives and the Senate:  
13 Provided, That this section and subsections (a), (b), and  
14 (c) of 10 U.S.C. 2461 shall not apply to a commercial or  
15 industrial type function of the Department of Defense that:  
16 (1) is included on the procurement list established pursuant  
17 to section 2 of the Act of June 25, 1938 (41 U.S.C. 47),  
18 popularly referred to as the Javits-Wagner-O'Day Act; (2)  
19 is planned to be converted to performance by a qualified  
20 nonprofit agency for the blind or by a qualified nonprofit  
21 agency for other severely handicapped individuals in ac-  
22 cordance with that Act; or (3) is planned to be converted  
23 to performance by a qualified firm under 51 percent owner-  
24 ship by an Indian tribe, as defined in section 450b(e) of  
25 title 25, United States Code, or a Native Hawaiian organi-

1 zation, as defined in section 637(a)(15) of title 15, United  
2 States Code.

3 (TRANSFER OF FUNDS)

4 SEC. 8015. Funds appropriated in title III of this Act  
5 for the Department of Defense Pilot Mentor-Protege Pro-  
6 gram may be transferred to any other appropriation con-  
7 tained in this Act solely for the purpose of implementing  
8 a Mentor-Protege Program developmental assistance agree-  
9 ment pursuant to section 831 of the National Defense Au-  
10 thorization Act for Fiscal Year 1991 (Public Law 101-510;  
11 10 U.S.C. 2301 note), as amended, under the authority of  
12 this provision or any other transfer authority contained in  
13 this Act.

14 SEC. 8016. None of the funds in this Act may be avail-  
15 able for the purchase by the Department of Defense (and  
16 its departments and agencies) of welded shipboard anchor  
17 and mooring chain 4 inches in diameter and under unless  
18 the anchor and mooring chain are manufactured in the  
19 United States from components which are substantially  
20 manufactured in the United States: Provided, That for the  
21 purpose of this section manufactured will include cutting,  
22 heat treating, quality control, testing of chain and welding  
23 (including the forging and shot blasting process): Provided  
24 further, That for the purpose of this section substantially  
25 all of the components of anchor and mooring chain shall  
26 be considered to be produced or manufactured in the United



1 *States if the aggregate cost of the components produced or*  
2 *manufactured in the United States exceeds the aggregate*  
3 *cost of the components produced or manufactured outside*  
4 *the United States: Provided further, That when adequate*  
5 *domestic supplies are not available to meet Department of*  
6 *Defense requirements on a timely basis, the Secretary of the*  
7 *service responsible for the procurement may waive this re-*  
8 *striction on a case-by-case basis by certifying in writing*  
9 *to the Committees on Appropriations that such an acquisi-*  
10 *tion must be made in order to acquire capability for na-*  
11 *tional security purposes.*

12       *SEC. 8017. None of the funds appropriated by this Act*  
13 *available for the Civilian Health and Medical Program of*  
14 *the Uniformed Services (CHAMPUS) or TRICARE shall*  
15 *be available for the reimbursement of any health care pro-*  
16 *vider for inpatient mental health service for care received*  
17 *when a patient is referred to a provider of inpatient mental*  
18 *health care or residential treatment care by a medical or*  
19 *health care professional having an economic interest in the*  
20 *facility to which the patient is referred: Provided, That this*  
21 *limitation does not apply in the case of inpatient mental*  
22 *health services provided under the program for persons with*  
23 *disabilities under subsection (d) of section 1079 of title 10,*  
24 *United States Code, provided as partial hospital care, or*  
25 *provided pursuant to a waiver authorized by the Secretary*

1 of Defense because of medical or psychological circumstances  
2 of the patient that are confirmed by a health professional  
3 who is not a Federal employee after a review, pursuant to  
4 rules prescribed by the Secretary, which takes into account  
5 the appropriate level of care for the patient, the intensity  
6 of services required by the patient, and the availability of  
7 that care.

8       SEC. 8018. Notwithstanding any other provision of  
9 law, during the current fiscal year, the Secretary of Defense  
10 may, by executive agreement, establish with host nation  
11 governments in NATO member states a separate account  
12 into which such residual value amounts negotiated in the  
13 return of United States military installations in NATO  
14 member states may be deposited, in the currency of the host  
15 nation, in lieu of direct monetary transfers to the United  
16 States Treasury: Provided, That such credits may be uti-  
17 lized only for the construction of facilities to support United  
18 States military forces in that host nation, or such real prop-  
19 erty maintenance and base operating costs that are cur-  
20 rently executed through monetary transfers to such host na-  
21 tions: Provided further, That the Department of Defense's  
22 budget submission for fiscal year 2004 shall identify such  
23 sums anticipated in residual value settlements, and identify  
24 such construction, real property maintenance or base oper-  
25 ating costs that shall be funded by the host nation through

1 *such credits: Provided further, That all military construc-*  
2 *tion projects to be executed from such accounts must be pre-*  
3 *viously approved in a prior Act of Congress: Provided fur-*  
4 *ther, That each such executive agreement with a NATO*  
5 *member host nation shall be reported to the congressional*  
6 *defense committees, the Committee on International Rela-*  
7 *tions of the House of Representatives and the Committee*  
8 *on Foreign Relations of the Senate 30 days prior to the*  
9 *conclusion and endorsement of any such agreement estab-*  
10 *lished under this provision.*

11 *SEC. 8019. None of the funds available to the Depart-*  
12 *ment of Defense may be used to demilitarize or dispose of*  
13 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*  
14 *rifles, .30 caliber rifles, or M-1911 pistols.*

15 *SEC. 8020. No more than \$500,000 of the funds appro-*  
16 *priated or made available in this Act shall be used during*  
17 *a single fiscal year for any single relocation of an organiza-*  
18 *tion, unit, activity or function of the Department of Defense*  
19 *into or within the National Capital Region: Provided, That*  
20 *the Secretary of Defense may waive this restriction on a*  
21 *case-by-case basis by certifying in writing to the congres-*  
22 *sional defense committees that such a relocation is required*  
23 *in the best interest of the Government.*

24 *SEC. 8021. (a) In addition to the funds provided else-*  
25 *where in this Act, \$8,000,000 is appropriated only for in-*

1 centive payments authorized by section 504 of the Indian  
2 Finance Act of 1974 (25 U.S.C. 1544) to defense contractors  
3 at any tier which make subcontract awards to subcontract-  
4 tors or suppliers owned by entities defined pursuant to 25  
5 U.S.C. 1544 and 4221(9); and

6 (b) Section 8022 of the Department of Defense Appro-  
7 priation Act (Public Law 106–259) is amended by striking  
8 out the period and adding “: Provided further, That not-  
9 withstanding 41 U.S.C. § 430, this section shall be applica-  
10 ble to any acquisition for goods and services, including a  
11 contract and subcontracts for procurement of commercial  
12 items whenever the prime contract amount is over \$500,000  
13 and involves the expenditure of funds appropriated by this  
14 or any other Act.”.

15 SEC. 8022. None of the funds appropriated by this Act  
16 shall be available to perform any cost study pursuant to  
17 the provisions of OMB Circular A–76 if the study being  
18 performed exceeds a period of 24 months after initiation  
19 of such study with respect to a single function activity or  
20 48 months after initiation of such study for a multi-func-  
21 tion activity.

22 SEC. 8023. Funds appropriated by this Act for the  
23 American Forces Information Service shall not be used for  
24 any national or international political or psychological ac-  
25 tivities.

1        *SEC. 8024. Notwithstanding any other provision of*  
2 *law or regulation, the Secretary of Defense may adjust wage*  
3 *rates for civilian employees hired for certain health care*  
4 *occupations as authorized for the Secretary of Veterans Af-*  
5 *fairs by section 7455 of title 38, United States Code.*

6        *SEC. 8025. (a) Of the funds for the procurement of sup-*  
7 *plies or services appropriated by this Act, qualified non-*  
8 *profit agencies for the blind or other severely handicapped*  
9 *shall be afforded the maximum practicable opportunity to*  
10 *participate as subcontractors and suppliers in the perform-*  
11 *ance of contracts let by the Department of Defense.*

12        *(b) During the current fiscal year, a business concern*  
13 *which has negotiated with a military service or defense*  
14 *agency a subcontracting plan for the participation by small*  
15 *business concerns pursuant to section 8(d) of the Small*  
16 *Business Act (15 U.S.C. 637(d)) shall be given credit to-*  
17 *ward meeting that subcontracting goal for any purchases*  
18 *made from qualified nonprofit agencies for the blind or*  
19 *other severely handicapped.*

20        *(c) For the purpose of this section, the phrase “quali-*  
21 *fied nonprofit agency for the blind or other severely handi-*  
22 *capped” means a nonprofit agency for the blind or other*  
23 *severely handicapped that has been approved by the Com-*  
24 *mittee for the Purchase from the Blind and Other Severely*

1 *Handicapped under the Javits-Wagner-O'Day Act (41*  
2 *U.S.C. 46–48).*

3       *SEC. 8026. During the current fiscal year, net receipts*  
4 *pursuant to collections from third party payers pursuant*  
5 *to section 1095 of title 10, United States Code, shall be*  
6 *made available to the local facility of the uniformed services*  
7 *responsible for the collections and shall be over and above*  
8 *the facility's direct budget amount.*

9       *SEC. 8027. During the current fiscal year, the Depart-*  
10 *ment of Defense is authorized to incur obligations of not*  
11 *to exceed \$350,000,000 for purposes specified in section*  
12 *2350j(c) of title 10, United States Code, in anticipation of*  
13 *receipt of contributions, only from the Government of Ku-*  
14 *wait, under that section: Provided, That upon receipt, such*  
15 *contributions from the Government of Kuwait shall be cred-*  
16 *ited to the appropriations or fund which incurred such obli-*  
17 *gations.*

18       *SEC. 8028. Of the funds made available in this Act,*  
19 *not less than \$21,188,000 shall be available for the Civil*  
20 *Air Patrol Corporation, of which \$19,688,000 shall be*  
21 *available for Civil Air Patrol Corporation operation and*  
22 *maintenance to support readiness activities which includes*  
23 *\$1,500,000 for the Civil Air Patrol counterdrug program:*  
24 *Provided, That funds identified for "Civil Air Patrol"*  
25 *under this section are intended for and shall be for the ex-*

1 *clusive use of the Civil Air Patrol Corporation and not for*  
2 *the Air Force or any unit thereof.*

3       *SEC. 8029. (a) None of the funds appropriated in this*  
4 *Act are available to establish a new Department of Defense*  
5 *(department) federally funded research and development*  
6 *center (FFRDC), either as a new entity, or as a separate*  
7 *entity administrated by an organization managing another*  
8 *FFRDC, or as a nonprofit membership corporation con-*  
9 *sisting of a consortium of other FFRDCs and other non-*  
10 *profit entities.*

11       *(b) No member of a Board of Directors, Trustees, Over-*  
12 *seers, Advisory Group, Special Issues Panel, Visiting Com-*  
13 *mittee, or any similar entity of a defense FFRDC, and no*  
14 *paid consultant to any defense FFRDC, except when acting*  
15 *in a technical advisory capacity, may be compensated for*  
16 *his or her services as a member of such entity, or as a paid*  
17 *consultant by more than one FFRDC in a fiscal year: Pro-*  
18 *vided, That a member of any such entity referred to pre-*  
19 *viously in this subsection shall be allowed travel expenses*  
20 *and per diem as authorized under the Federal Joint Travel*  
21 *Regulations, when engaged in the performance of member-*  
22 *ship duties.*

23       *(c) Notwithstanding any other provision of law, none*  
24 *of the funds available to the department from any source*  
25 *during fiscal year 2003 may be used by a defense FFRDC,*

1 *through a fee or other payment mechanism, for construction*  
2 *of new buildings, for payment of cost sharing for projects*  
3 *funded by Government grants, for absorption of contract*  
4 *overruns, or for certain charitable contributions, not to in-*  
5 *clude employee participation in community service and/or*  
6 *development.*

7       (d) *Notwithstanding any other provision of law, of the*  
8 *funds available to the department during fiscal year 2003,*  
9 *not more than 6,300 staff years of technical effort (staff*  
10 *years) may be funded for defense FFRDCs: Provided, That*  
11 *of the specific amount referred to previously in this sub-*  
12 *section, not more than 1,029 staff years may be funded for*  
13 *the defense studies and analysis FFRDCs.*

14       (e) *The Secretary of Defense shall, with the submission*  
15 *of the department's fiscal year 2004 budget request, submit*  
16 *a report presenting the specific amounts of staff years of*  
17 *technical effort to be allocated for each defense FFRDC dur-*  
18 *ing that fiscal year.*

19       (f) *Notwithstanding any other provision of this Act,*  
20 *the total amount appropriated in this Act for FFRDCs is*  
21 *hereby reduced by \$91,600,000.*

22       SEC. 8030. *None of the funds appropriated or made*  
23 *available in this Act shall be used to procure carbon, alloy*  
24 *or armor steel plate for use in any Government-owned facil-*  
25 *ity or property under the control of the Department of De-*



1 *fense which were not melted and rolled in the United States*  
2 *or Canada: Provided, That these procurement restrictions*  
3 *shall apply to any and all Federal Supply Class 9515,*  
4 *American Society of Testing and Materials (ASTM) or*  
5 *American Iron and Steel Institute (AISI) specifications of*  
6 *carbon, alloy or armor steel plate: Provided further, That*  
7 *the Secretary of the military department responsible for the*  
8 *procurement may waive this restriction on a case-by-case*  
9 *basis by certifying in writing to the Committees on Appro-*  
10 *priations of the House of Representatives and the Senate*  
11 *that adequate domestic supplies are not available to meet*  
12 *Department of Defense requirements on a timely basis and*  
13 *that such an acquisition must be made in order to acquire*  
14 *capability for national security purposes: Provided further,*  
15 *That these restrictions shall not apply to contracts which*  
16 *are in being as of the date of the enactment of this Act.*

17       *SEC. 8031. For the purposes of this Act, the term “con-*  
18 *gressional defense committees” means the Armed Services*  
19 *Committee of the House of Representatives, the Armed Serv-*  
20 *ices Committee of the Senate, the Subcommittee on Defense*  
21 *of the Committee on Appropriations of the Senate, and the*  
22 *Subcommittee on Defense of the Committee on Appropria-*  
23 *tions of the House of Representatives.*

24       *SEC. 8032. During the current fiscal year, the Depart-*  
25 *ment of Defense may acquire the modification, depot main-*

1 *tenance and repair of aircraft, vehicles and vessels as well*  
2 *as the production of components and other Defense-related*  
3 *articles, through competition between Department of De-*  
4 *fense depot maintenance activities and private firms: Pro-*  
5 *vided, That the Senior Acquisition Executive of the military*  
6 *department or defense agency concerned, with power of dele-*  
7 *gation, shall certify that successful bids include comparable*  
8 *estimates of all direct and indirect costs for both public and*  
9 *private bids: Provided further, That Office of Management*  
10 *and Budget Circular A-76 shall not apply to competitions*  
11 *conducted under this section.*

12       *SEC. 8033. (a)(1) If the Secretary of Defense, after con-*  
13 *sultation with the United States Trade Representative, de-*  
14 *termines that a foreign country which is party to an agree-*  
15 *ment described in paragraph (2) has violated the terms of*  
16 *the agreement by discriminating against certain types of*  
17 *products produced in the United States that are covered by*  
18 *the agreement, the Secretary of Defense shall rescind the*  
19 *Secretary's blanket waiver of the Buy American Act with*  
20 *respect to such types of products produced in that foreign*  
21 *country.*

22       *(2) An agreement referred to in paragraph (1) is any*  
23 *reciprocal defense procurement memorandum of under-*  
24 *standing, between the United States and a foreign country*  
25 *pursuant to which the Secretary of Defense has prospec-*

1 *tively waived the Buy American Act for certain products*  
2 *in that country.*

3       (b) *The Secretary of Defense shall submit to the Con-*  
4 *gress a report on the amount of Department of Defense pur-*  
5 *chases from foreign entities in fiscal year 2003. Such report*  
6 *shall separately indicate the dollar value of items for which*  
7 *the Buy American Act was waived pursuant to any agree-*  
8 *ment described in subsection (a)(2), the Trade Agreement*  
9 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*  
10 *agreement to which the United States is a party.*

11       (c) *For purposes of this section, the term “Buy Amer-*  
12 *ican Act” means title III of the Act entitled “An Act mak-*  
13 *ing appropriations for the Treasury and Post Office De-*  
14 *partments for the fiscal year ending June 30, 1934, and*  
15 *for other purposes”, approved March 3, 1933 (41 U.S.C.*  
16 *10a et seq.).*

17       SEC. 8034. *Appropriations contained in this Act that*  
18 *remain available at the end of the current fiscal year as*  
19 *a result of energy cost savings realized by the Department*  
20 *of Defense shall remain available for obligation for the next*  
21 *fiscal year to the extent, and for the purposes, provided in*  
22 *section 2865 of title 10, United States Code.*

23                               (INCLUDING TRANSFER OF FUNDS)

24       SEC. 8035. *Amounts deposited during the current fis-*  
25 *cal year to the special account established under 40 U.S.C.*  
26 *485(h)(2) and to the special account established under 10*

1 *U.S.C. 2667(d)(1) are appropriated and shall be available*  
 2 *until transferred by the Secretary of Defense to current ap-*  
 3 *plicable appropriations or funds of the Department of De-*  
 4 *fense under the terms and conditions specified by 40 U.S.C.*  
 5 *485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be*  
 6 *merged with and to be available for the same time period*  
 7 *and the same purposes as the appropriation to which trans-*  
 8 *ferred.*

9       *SEC. 8036. The President shall include with each budg-*  
 10 *et for a fiscal year submitted to the Congress under section*  
 11 *1105 of title 31, United States Code, materials that shall*  
 12 *identify clearly and separately the amounts requested in the*  
 13 *budget for appropriation for that fiscal year for salaries*  
 14 *and expenses related to administrative activities of the De-*  
 15 *partment of Defense, the military departments, and the de-*  
 16 *fense agencies.*

17       *SEC. 8037. Notwithstanding any other provision of*  
 18 *law, funds available for “Drug Interdiction and Counter-*  
 19 *Drug Activities, Defense” may be obligated for the Young*  
 20 *Marines program.*

21                   *(INCLUDING TRANSFER OF FUNDS)*

22       *SEC. 8038. During the current fiscal year, amounts*  
 23 *contained in the Department of Defense Overseas Military*  
 24 *Facility Investment Recovery Account established by section*  
 25 *2921(c)(1) of the National Defense Authorization Act of*  
 26 *1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be*

1 *available until expended for the payments specified by sec-*  
2 *tion 2921(c)(2) of that Act.*

3       *SEC. 8039. (a) IN GENERAL.—Notwithstanding any*  
4 *other provision of law, the Secretary of the Air Force may*  
5 *convey at no cost to the Air Force, without consideration,*  
6 *to Indian tribes located in the States of North Dakota,*  
7 *South Dakota, Montana, and Minnesota relocatable mili-*  
8 *tary housing units located at Grand Forks Air Force Base*  
9 *and Minot Air Force Base that are excess to the needs of*  
10 *the Air Force.*

11       *(b) PROCESSING OF REQUESTS.—The Secretary of the*  
12 *Air Force shall convey, at no cost to the Air Force, military*  
13 *housing units under subsection (a) in accordance with the*  
14 *request for such units that are submitted to the Secretary*  
15 *by the Operation Walking Shield Program on behalf of In-*  
16 *dian tribes located in the States of North Dakota, South*  
17 *Dakota, Montana, and Minnesota.*

18       *(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The*  
19 *Operation Walking Shield program shall resolve any con-*  
20 *flicts among requests of Indian tribes for housing units*  
21 *under subsection (a) before submitting requests to the Sec-*  
22 *retary of the Air Force under subsection (b).*

23       *(d) INDIAN TRIBE DEFINED.—In this section, the term*  
24 *“Indian tribe” means any recognized Indian tribe included*  
25 *on the current list published by the Secretary of the Interior*

1 *under section 104 of the Federally Recognized Indian Tribe*  
2 *Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25*  
3 *U.S.C. 479a-1).*

4       *SEC. 8040. During the current fiscal year, appropria-*  
5 *tions which are available to the Department of Defense for*  
6 *operation and maintenance may be used to purchase items*  
7 *having an investment item unit cost of not more than*  
8 *\$100,000: Provided, That the \$100,000 limitation shall not*  
9 *apply to amounts appropriated in this Act under the head-*  
10 *ing "Operation and Maintenance, Defense-Wide" for ex-*  
11 *penses related to certain classified activities.*

12       *SEC. 8041. (a) During the current fiscal year, none*  
13 *of the appropriations or funds available to the Department*  
14 *of Defense Working Capital Funds shall be used for the pur-*  
15 *chase of an investment item for the purpose of acquiring*  
16 *a new inventory item for sale or anticipated sale during*  
17 *the current fiscal year or a subsequent fiscal year to cus-*  
18 *tomers of the Department of Defense Working Capital*  
19 *Funds if such an item would not have been chargeable to*  
20 *the Department of Defense Business Operations Fund dur-*  
21 *ing fiscal year 1994 and if the purchase of such an invest-*  
22 *ment item would be chargeable during the current fiscal*  
23 *year to appropriations made to the Department of Defense*  
24 *for procurement.*

1       (b) *The fiscal year 2004 budget request for the Depart-*  
2 *ment of Defense as well as all justification material and*  
3 *other documentation supporting the fiscal year 2004 De-*  
4 *partment of Defense budget shall be prepared and submitted*  
5 *to the Congress on the basis that any equipment which was*  
6 *classified as an end item and funded in a procurement ap-*  
7 *propriation contained in this Act shall be budgeted for in*  
8 *a proposed fiscal year 2004 procurement appropriation and*  
9 *not in the supply management business area or any other*  
10 *area or category of the Department of Defense Working*  
11 *Capital Funds.*

12       SEC. 8042. *None of the funds appropriated by this Act*  
13 *for programs of the Central Intelligence Agency shall re-*  
14 *main available for obligation beyond the current fiscal year,*  
15 *except for funds appropriated for the Reserve for Contin-*  
16 *gencies, which shall remain available until September 30,*  
17 *2004: Provided, That funds appropriated, transferred, or*  
18 *otherwise credited to the Central Intelligence Agency Cen-*  
19 *tral Services Working Capital Fund during this or any*  
20 *prior or subsequent fiscal year shall remain available until*  
21 *expended: Provided further, That any funds appropriated*  
22 *or transferred to the Central Intelligence Agency for agent*  
23 *operations and for covert action programs authorized by the*  
24 *President under section 503 of the National Security Act*

1 of 1947, as amended, shall remain available until Sep-  
2 tember 30, 2004.

3       SEC. 8043. Notwithstanding any other provision of  
4 law, funds made available in this Act for the Defense Intel-  
5 ligence Agency may be used for the design, development, and  
6 deployment of General Defense Intelligence Program intel-  
7 ligence communications and intelligence information sys-  
8 tems for the Services, the Unified and Specified Commands,  
9 and the component commands.

10       SEC. 8044. Of the funds appropriated to the Depart-  
11 ment of Defense under the heading “Operation and Mainte-  
12 nance, Defense-Wide”, not less than \$10,000,000 shall be  
13 made available only for the mitigation of environmental  
14 impacts, including training and technical assistance to  
15 tribes, related administrative support, the gathering of in-  
16 formation, documenting of environmental damage, and de-  
17 veloping a system for prioritization of mitigation and cost  
18 to complete estimates for mitigation, on Indian lands re-  
19 sulting from Department of Defense activities.

20       SEC. 8045. Of the funds made available in this Act,  
21 not less than \$68,900,000 shall be available to maintain  
22 an attrition reserve force of 18 B–52 aircraft, of which  
23 \$3,700,000 shall be available from “Military Personnel, Air  
24 Force”, \$40,000,000 shall be available from “Operation and  
25 Maintenance, Air Force”, and \$25,200,000 shall be avail-



1 able from “Aircraft Procurement, Air Force”: Provided,  
2 That the Secretary of the Air Force shall maintain a total  
3 force of 94 B-52 aircraft, including 18 attrition reserve air-  
4 craft, during fiscal year 2003: Provided further, That the  
5 Secretary of Defense shall include in the Air Force budget  
6 request for fiscal year 2004 amounts sufficient to maintain  
7 a B-52 force totaling 94 aircraft.

8       SEC. 8046. (a) None of the funds appropriated in this  
9 Act may be expended by an entity of the Department of  
10 Defense unless the entity, in expending the funds, complies  
11 with the Buy American Act. For purposes of this subsection,  
12 the term “Buy American Act” means title III of the Act  
13 entitled “An Act making appropriations for the Treasury  
14 and Post Office Departments for the fiscal year ending June  
15 30, 1934, and for other purposes”, approved March 3, 1933  
16 (41 U.S.C. 10a et seq.).

17       (b) If the Secretary of Defense determines that a person  
18 has been convicted of intentionally affixing a label bearing  
19 a “Made in America” inscription to any product sold in  
20 or shipped to the United States that is not made in Amer-  
21 ica, the Secretary shall determine, in accordance with sec-  
22 tion 2410f of title 10, United States Code, whether the per-  
23 son should be debarred from contracting with the Depart-  
24 ment of Defense.

1       (c) *In the case of any equipment or products purchased*  
2 *with appropriations provided under this Act, it is the sense*  
3 *of the Congress that any entity of the Department of De-*  
4 *fense, in expending the appropriation, purchase only Amer-*  
5 *ican-made equipment and products, provided that Amer-*  
6 *ican-made equipment and products are cost-competitive,*  
7 *quality-competitive, and available in a timely fashion.*

8       *SEC. 8047. None of the funds appropriated by this Act*  
9 *shall be available for a contract for studies, analysis, or*  
10 *consulting services entered into without competition on the*  
11 *basis of an unsolicited proposal unless the head of the activ-*  
12 *ity responsible for the procurement determines—*

13           (1) *as a result of thorough technical evaluation,*  
14 *only one source is found fully qualified to perform the*  
15 *proposed work;*

16           (2) *the purpose of the contract is to explore an*  
17 *unsolicited proposal which offers significant scientific*  
18 *or technological promise, represents the product of*  
19 *original thinking, and was submitted in confidence*  
20 *by one source; or*

21           (3) *the purpose of the contract is to take advan-*  
22 *tage of unique and significant industrial accomplish-*  
23 *ment by a specific concern, or to insure that a new*  
24 *product or idea of a specific concern is given finan-*  
25 *cial support:*

1 *Provided, That this limitation shall not apply to contracts*  
2 *in an amount of less than \$25,000, contracts related to im-*  
3 *provements of equipment that is in development or produc-*  
4 *tion, or contracts as to which a civilian official of the De-*  
5 *partment of Defense, who has been confirmed by the Senate,*  
6 *determines that the award of such contract is in the interest*  
7 *of the national defense.*

8       *SEC. 8048. (a) Except as provided in subsections (b)*  
9 *and (c), none of the funds made available by this Act may*  
10 *be used—*

11               *(1) to establish a field operating agency; or*  
12               *(2) to pay the basic pay of a member of the*  
13 *Armed Forces or civilian employee of the department*  
14 *who is transferred or reassigned from a headquarters*  
15 *activity if the member or employee's place of duty re-*  
16 *mains at the location of that headquarters.*

17       *(b) The Secretary of Defense or Secretary of a military*  
18 *department may waive the limitations in subsection (a),*  
19 *on a case-by-case basis, if the Secretary determines, and cer-*  
20 *tifies to the Committees on Appropriations of the House of*  
21 *Representatives and Senate that the granting of the waiver*  
22 *will reduce the personnel requirements or the financial re-*  
23 *quirements of the department.*

4           SEC. 8049. Notwithstanding section 303 of Public Law  
5   96-487 or any other provision of law, the Secretary of the  
6   Navy is authorized to lease real and personal property at  
7   Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C.  
8   2667(f), for commercial, industrial or other purposes: Pro-  
9   vided, That notwithstanding any other provision of law, the  
10   Secretary of the Navy may remove hazardous materials  
11   from facilities, buildings, and structures at Adak, Alaska,  
12   and may demolish or otherwise dispose of such facilities,  
13   buildings, and structures.

SEC. 8050. *Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:*

19                   *“Procurement of Ammunition, Army, 2001/*  
20                   *2003”*, \$4,000,000;

21                   “Other Procurement, Army, 2001/2003”,  
22           \$8,000,000;

23 “Other Procurement, Navy, 2001/2003”,  
24 \$21,200,000;

25 “Missile Procurement, Army, 2002/2004”,  
26 \$9,300,000;

1           *“Procurement of Ammunition, Army, 2002/*  
2           *2004”*, \$23,000,000;

3           *“Other Procurement, Army, 2002/2004”*,  
4           \$26,200,000;

5           *“Aircraft Procurement, Air Force, 2002/2004”*,  
6           \$23,500,000;

7           *“Missile Procurement, Air Force, 2002/2004”*,  
8           \$18,000,000;

9           *“Research, Development, Test and Evaluation,*  
10          *Air Force, 2002/2003”*, \$32,000,000; and

11          *“Research and Development, Defense-Wide, 2002/*  
12          *2003”*, \$25,500,000.

13          *SEC. 8051. None of the funds available in this Act may*  
14          *be used to reduce the authorized positions for military (ci-*  
15          *vilian) technicians of the Army National Guard, the Air*  
16          *National Guard, Army Reserve and Air Force Reserve for*  
17          *the purpose of applying any administratively imposed ci-*  
18          *vilian personnel ceiling, freeze, or reduction on military (ci-*  
19          *vilian) technicians, unless such reductions are a direct re-*  
20          *sult of a reduction in military force structure.*

21          *SEC. 8052. None of the funds appropriated or other-*  
22          *wise made available in this Act may be obligated or ex-*  
23          *pended for assistance to the Democratic People’s Republic*  
24          *of North Korea unless specifically appropriated for that*  
25          *purpose.*

1       *SEC. 8053. During the current fiscal year, funds ap-*  
2 *propriated in this Act are available to compensate members*  
3 *of the National Guard for duty performed pursuant to a*  
4 *plan submitted by a Governor of a State and approved by*  
5 *the Secretary of Defense under section 112 of title 32,*  
6 *United States Code: Provided, That during the performance*  
7 *of such duty, the members of the National Guard shall be*  
8 *under State command and control: Provided further, That*  
9 *such duty shall be treated as full-time National Guard duty*  
10 *for purposes of sections 12602(a)(2) and (b)(2) of title 10,*  
11 *United States Code.*

12       *SEC. 8054. Funds appropriated in this Act for oper-*  
13 *ation and maintenance of the Military Departments, Com-*  
14 *batant Commands and Defense Agencies shall be available*  
15 *for reimbursement of pay, allowances and other expenses*  
16 *which would otherwise be incurred against appropriations*  
17 *for the National Guard and Reserve when members of the*  
18 *National Guard and Reserve provide intelligence or coun-*  
19 *terintelligence support to Combatant Commands, Defense*  
20 *Agencies and Joint Intelligence Activities, including the ac-*  
21 *tivities and programs included within the National Foreign*  
22 *Intelligence Program (NFIP), the Joint Military Intel-*  
23 *ligence Program (JMIP), and the Tactical Intelligence and*  
24 *Related Activities (TIARA) aggregate: Provided, That noth-*  
25 *ing in this section authorizes deviation from established Re-*

1 *serve and National Guard personnel and training proce-*  
2 *dures.*

3       *SEC. 8055. During the current fiscal year, none of the*  
4 *funds appropriated in this Act may be used to reduce the*  
5 *civilian medical and medical support personnel assigned to*  
6 *military treatment facilities below the September 30, 2002*  
7 *level: Provided, That the Service Surgeons General may*  
8 *waive this section by certifying to the congressional defense*  
9 *committees that the beneficiary population is declining in*  
10 *some catchment areas and civilian strength reductions may*  
11 *be consistent with responsible resource stewardship and*  
12 *capitation-based budgeting.*

13       *SEC. 8056. (a) LIMITATION ON PENTAGON RENOVA-*  
14 *TION COSTS.—Not later than the date each year on which*  
15 *the President submits to Congress the budget under section*  
16 *1105 of title 31, United States Code, the Secretary of De-*  
17 *fense shall submit to Congress a certification that the total*  
18 *cost for the planning, design, construction, and installation*  
19 *of equipment for the renovation of wedges 2 through 5 of*  
20 *the Pentagon Reservation, cumulatively, will not exceed*  
21 *four times the total cost for the planning, design, construc-*  
22 *tion, and installation of equipment for the renovation of*  
23 *wedge 1.*

24       *(b) ANNUAL ADJUSTMENT.—For purposes of applying*  
25 *the limitation in subsection (a), the Secretary shall adjust*

1 *the cost for the renovation of wedge 1 by any increase or*  
 2 *decrease in costs attributable to economic inflation, based*  
 3 *on the most recent economic assumptions issued by the Of-*  
 4 *fice of Management and Budget for use in preparation of*  
 5 *the budget of the United States under section 1104 of title*  
 6 *31, United States Code.*

7 *(c) EXCLUSION OF CERTAIN COSTS.—For purposes of*  
 8 *calculating the limitation in subsection (a), the total cost*  
 9 *for wedges 2 through 5 shall not include—*

10 *(1) any repair or reconstruction cost incurred as*  
 11 *a result of the terrorist attack on the Pentagon that*  
 12 *occurred on September 11, 2001;*

13 *(2) any increase in costs for wedges 2 through 5*  
 14 *attributable to compliance with new requirements of*  
 15 *Federal, State, or local laws; and*

16 *(3) any increase in costs attributable to addi-*  
 17 *tional security requirements that the Secretary of De-*  
 18 *fense considers essential to provide a safe and secure*  
 19 *working environment.*

20 *(d) CERTIFICATION COST REPORTS.—As part of the*  
 21 *annual certification under subsection (a), the Secretary*  
 22 *shall report the projected cost (as of the time of the certifi-*  
 23 *cation) for—*

24 *(1) the renovation of each wedge, including the*  
 25 *amount adjusted or otherwise excluded for such wedge*



1       under the authority of paragraphs (2) and (3) of sub-  
2       section (c) for the period covered by the certification;  
3       and

4               (2) the repair and reconstruction of wedges 1  
5       and 2 in response to the terrorist attack on the Pen-  
6       tagon that occurred on September 11, 2001.

7       (e) *DURATION OF CERTIFICATION REQUIREMENT.*—  
8       The requirement to make an annual certification under  
9       subsection (a) shall apply until the Secretary certifies to  
10      Congress that the renovation of the Pentagon Reservation  
11      is completed.

12      SEC. 8057. Notwithstanding any other provision of  
13      law, that not more than 35 percent of funds provided in  
14      this Act for environmental remediation may be obligated  
15      under indefinite delivery/indefinite quantity contracts with  
16      a total contract value of \$130,000,000 or higher.

17      SEC. 8058. (a) None of the funds available to the De-  
18      partment of Defense for any fiscal year for drug interdic-  
19      tion or counter-drug activities may be transferred to any  
20      other department or agency of the United States except as  
21      specifically provided in an appropriations law.

22      (b) None of the funds available to the Central Intel-  
23      ligence Agency for any fiscal year for drug interdiction and  
24      counter-drug activities may be transferred to any other de-

1 *partment or agency of the United States except as specifi-*  
2 *cally provided in an appropriations law.*

3 (TRANSFER OF FUNDS)

4 SEC. 8059. *Appropriations available in this Act under*  
5 *the heading “Operation and Maintenance, Defense-Wide”*  
6 *for increasing energy and water efficiency in Federal build-*  
7 *ings may, during their period of availability, be transferred*  
8 *to other appropriations or funds of the Department of De-*  
9 *fense for projects related to increasing energy and water ef-*  
10 *iciency, to be merged with and to be available for the same*  
11 *general purposes, and for the same time period, as the ap-*  
12 *propriation or fund to which transferred.*

13 SEC. 8060. *None of the funds appropriated by this Act*  
14 *may be used for the procurement of ball and roller bearings*  
15 *other than those produced by a domestic source and of do-*  
16 *mestic origin: Provided, That the Secretary of the military*  
17 *department responsible for such procurement may waive*  
18 *this restriction on a case-by-case basis by certifying in writ-*  
19 *ing to the Committees on Appropriations of the House of*  
20 *Representatives and the Senate, that adequate domestic*  
21 *supplies are not available to meet Department of Defense*  
22 *requirements on a timely basis and that such an acquisition*  
23 *must be made in order to acquire capability for national*  
24 *security purposes: Provided further, That this restriction*  
25 *shall not apply to the purchase of “commercial items”, as*  
26 *defined by section 4(12) of the Office of Federal Procure-*

1 *ment Policy Act, except that the restriction shall apply to*  
2 *ball or roller bearings purchased as end items.*

3       *SEC. 8061. Notwithstanding any other provision of*  
4 *law, funds available to the Department of Defense shall be*  
5 *made available to provide transportation of medical sup-*  
6 *plies and equipment, on a nonreimbursable basis, to Amer-*  
7 *ican Samoa, and funds available to the Department of De-*  
8 *fense shall be made available to provide transportation of*  
9 *medical supplies and equipment, on a nonreimbursable*  
10 *basis, to the Indian Health Service when it is in conjunc-*  
11 *tion with a civil-military project.*

12       *SEC. 8062. None of the funds in this Act may be used*  
13 *to purchase any supercomputer which is not manufactured*  
14 *in the United States, unless the Secretary of Defense cer-*  
15 *tifies to the congressional defense committees that such an*  
16 *acquisition must be made in order to acquire capability for*  
17 *national security purposes that is not available from*  
18 *United States manufacturers.*

19       *SEC. 8063. Notwithstanding any other provision of*  
20 *law, the Naval shipyards of the United States shall be eligi-*  
21 *ble to participate in any manufacturing extension program*  
22 *financed by funds appropriated in this or any other Act.*

23       *SEC. 8064. Notwithstanding any other provision of*  
24 *law, each contract awarded by the Department of Defense*  
25 *during the current fiscal year for construction or service*

1 performed in whole or in part in a State (as defined in  
2 section 381(d) of title 10, United States Code) which is not  
3 contiguous with another State and has an unemployment  
4 rate in excess of the national average rate of unemployment  
5 as determined by the Secretary of Labor, shall include a  
6 provision requiring the contractor to employ, for the pur-  
7 pose of performing that portion of the contract in such State  
8 that is not contiguous with another State, individuals who  
9 are residents of such State and who, in the case of any craft  
10 or trade, possess or would be able to acquire promptly the  
11 necessary skills: Provided, That the Secretary of Defense  
12 may waive the requirements of this section, on a case-by-  
13 case basis, in the interest of national security.

14 SEC. 8065. None of the funds made available in this  
15 or any other Act may be used to pay the salary of any  
16 officer or employee of the Department of Defense who ap-  
17 proves or implements the transfer of administrative respon-  
18 sibilities or budgetary resources of any program, project,  
19 or activity financed by this Act to the jurisdiction of an-  
20 other Federal agency not financed by this Act without the  
21 express authorization of Congress: Provided, That this limi-  
22 tation shall not apply to transfers of funds expressly pro-  
23 vided for in Defense Appropriations Acts, or provisions of  
24 Acts providing supplemental appropriations for the De-  
25 partment of Defense.

1        *SEC. 8066. (a) LIMITATION ON TRANSFER OF DE-*  
2 *FENSE ARTICLES AND SERVICES.—Notwithstanding any*  
3 *other provision of law, none of the funds available to the*  
4 *Department of Defense for the current fiscal year may be*  
5 *obligated or expended to transfer to another nation or an*  
6 *international organization any defense articles or services*  
7 *(other than intelligence services) for use in the activities de-*  
8 *scribed in subsection (b) unless the congressional defense*  
9 *committees, the Committee on International Relations of*  
10 *the House of Representatives, and the Committee on For-*  
11 *eign Relations of the Senate are notified 15 days in advance*  
12 *of such transfer.*

13        *(b) COVERED ACTIVITIES.—This section applies to—*

14                *(1) any international peacekeeping or peace-en-*  
15 *forcement operation under the authority of chapter VI*  
16 *or chapter VII of the United Nations Charter under*  
17 *the authority of a United Nations Security Council*  
18 *resolution; and*

19                *(2) any other international peacekeeping, peace-*  
20 *enforcement, or humanitarian assistance operation.*

21        *(c) REQUIRED NOTICE.—A notice under subsection (a)*  
22 *shall include the following:*

23                *(1) A description of the equipment, supplies, or*  
24 *services to be transferred.*

1           (2) *A statement of the value of the equipment,*  
2           *supplies, or services to be transferred.*

3           (3) *In the case of a proposed transfer of equip-*  
4           *ment or supplies—*

5                 (A) *a statement of whether the inventory re-*  
6                 *quirements of all elements of the Armed Forces*  
7                 *(including the reserve components) for the type*  
8                 *of equipment or supplies to be transferred have*  
9                 *been met; and*

10                (B) *a statement of whether the items pro-*  
11                *posed to be transferred will have to be replaced*  
12                *and, if so, how the President proposes to provide*  
13                *funds for such replacement.*

14        *SEC. 8067. To the extent authorized by subchapter VI*  
15        *of chapter 148 of title 10, United States Code, the Secretary*  
16        *of Defense may issue loan guarantees in support of United*  
17        *States defense exports not otherwise provided for: Provided,*  
18        *That the total contingent liability of the United States for*  
19        *guarantees issued under the authority of this section may*  
20        *not exceed \$15,000,000,000: Provided further, That the ex-*  
21        *posure fees charged and collected by the Secretary for each*  
22        *guarantee shall be paid by the country involved and shall*  
23        *not be financed as part of a loan guaranteed by the United*  
24        *States: Provided further, That the Secretary shall provide*  
25        *quarterly reports to the Committees on Appropriations,*

1 *Armed Services, and Foreign Relations of the Senate and*  
2 *the Committees on Appropriations, Armed Services, and*  
3 *International Relations in the House of Representatives on*  
4 *the implementation of this program: Provided further, That*  
5 *amounts charged for administrative fees and deposited to*  
6 *the special account provided for under section 2540c(d) of*  
7 *title 10, shall be available for paying the costs of adminis-*  
8 *trative expenses of the Department of Defense that are at-*  
9 *tributable to the loan guarantee program under subchapter*  
10 *VI of chapter 148 of title 10, United States Code.*

11 *SEC. 8068. None of the funds available to the Depart-*  
12 *ment of Defense under this Act shall be obligated or ex-*  
13 *pended to pay a contractor under a contract with the De-*  
14 *partment of Defense for costs of any amount paid by the*  
15 *contractor to an employee when—*

16 *(1) such costs are for a bonus or otherwise in ex-*  
17 *cess of the normal salary paid by the contractor to the*  
18 *employee; and*

19 *(2) such bonus is part of restructuring costs asso-*  
20 *ciated with a business combination.*

21 *SEC. 8069. (a) None of the funds appropriated or oth-*  
22 *erwise made available in this Act may be used to transport*  
23 *or provide for the transportation of chemical munitions or*  
24 *agents to the Johnston Atoll for the purpose of storing or*  
25 *demilitarizing such munitions or agents.*

1       (b) *The prohibition in subsection (a) shall not apply*  
2 *to any obsolete World War II chemical munition or agent*  
3 *of the United States found in the World War II Pacific*  
4 *Theater of Operations.*

5       (c) *The President may suspend the application of sub-*  
6 *section (a) during a period of war in which the United*  
7 *States is a party.*

8                               (INCLUDING TRANSFER OF FUNDS)

9       SEC. 8070. *During the current fiscal year, no more*  
10 *than \$30,000,000 of appropriations made in this Act under*  
11 *the heading “Operation and Maintenance, Defense-Wide”*  
12 *may be transferred to appropriations available for the pay*  
13 *of military personnel, to be merged with, and to be available*  
14 *for the same time period as the appropriations to which*  
15 *transferred, to be used in support of such personnel in con-*  
16 *nection with support and services for eligible organizations*  
17 *and activities outside the Department of Defense pursuant*  
18 *to section 2012 of title 10, United States Code.*

19       SEC. 8071. *During the current fiscal year, in the case*  
20 *of an appropriation account of the Department of Defense*  
21 *for which the period of availability for obligation has ex-*  
22 *pired or which has closed under the provisions of section*  
23 *1552 of title 31, United States Code, and which has a nega-*  
24 *tive unliquidated or unexpended balance, an obligation or*  
25 *an adjustment of an obligation may be charged to any cur-*



1 *rent appropriation account for the same purpose as the ex-*  
2 *pired or closed account if—*

3           (1) *the obligation would have been properly*  
4 *chargeable (except as to amount) to the expired or*  
5 *closed account before the end of the period of avail-*  
6 *ability or closing of that account;*

7           (2) *the obligation is not otherwise properly*  
8 *chargeable to any current appropriation account of*  
9 *the Department of Defense; and*

10           (3) *in the case of an expired account, the obliga-*  
11 *tion is not chargeable to a current appropriation of*  
12 *the Department of Defense under the provisions of sec-*  
13 *tion 1405(b)(8) of the National Defense Authorization*  
14 *Act for Fiscal Year 1991, Public Law 101–510, as*  
15 *amended (31 U.S.C. 1551 note): Provided, That in*  
16 *the case of an expired account, if subsequent review*  
17 *or investigation discloses that there was not in fact a*  
18 *negative unliquidated or unexpended balance in the*  
19 *account, any charge to a current account under the*  
20 *authority of this section shall be reversed and re-*  
21 *corded against the expired account: Provided further,*  
22 *That the total amount charged to a current appro-*  
23 *priation under this section may not exceed an*  
24 *amount equal to 1 percent of the total appropriation*  
25 *for that account.*

1        *SEC. 8072. Funds appropriated in title II of this Act*  
2   *and for the Defense Health Program in title VI of this Act*  
3   *for supervision and administration costs for facilities*  
4   *maintenance and repair, minor construction, or design*  
5   *projects may be obligated at the time the reimbursable order*  
6   *is accepted by the performing activity: Provided, That for*  
7   *the purpose of this section, supervision and administration*  
8   *costs includes all in-house Government cost.*

9        *SEC. 8073. During the current fiscal year and here-*  
10   *after, the Secretary of Defense may waive reimbursement*  
11   *of the cost of conferences, seminars, courses of instruction,*  
12   *or similar educational activities of the Asia-Pacific Center*  
13   *for Security Studies for military officers and civilian offi-*  
14   *cials of foreign nations if the Secretary determines that at-*  
15   *tendance by such personnel, without reimbursement, is in*  
16   *the national security interest of the United States: Pro-*  
17   *vided, That costs for which reimbursement is waived pursu-*  
18   *ant to this section shall be paid from appropriations avail-*  
19   *able for the Asia-Pacific Center.*

20        *SEC. 8074. (a) Notwithstanding any other provision*  
21   *of law, the Chief of the National Guard Bureau may permit*  
22   *the use of equipment of the National Guard Distance Learn-*  
23   *ing Project by any person or entity on a space-available,*  
24   *reimbursable basis. The Chief of the National Guard Bu-*

1 *reau shall establish the amount of reimbursement for such*  
2 *use on a case-by-case basis.*

3 *(b) Amounts collected under subsection (a) shall be*  
4 *credited to funds available for the National Guard Distance*  
5 *Learning Project and be available to defray the costs associ-*  
6 *ated with the use of equipment of the project under that*  
7 *subsection. Such funds shall be available for such purposes*  
8 *without fiscal year limitation.*

9 *SEC. 8075. Using funds available by this Act or any*  
10 *other Act, the Secretary of the Air Force, pursuant to a*  
11 *determination under section 2690 of title 10, United States*  
12 *Code, may implement cost-effective agreements for required*  
13 *heating facility modernization in the Kaiserslautern Mili-*  
14 *tary Community in the Federal Republic of Germany: Pro-*  
15 *vided, That in the City of Kaiserslautern such agreements*  
16 *will include the use of United States anthracite as the base*  
17 *load energy for municipal district heat to the United States*  
18 *Defense installations: Provided further, That at Landstuhl*  
19 *Army Regional Medical Center and Ramstein Air Base,*  
20 *furnished heat may be obtained from private, regional or*  
21 *municipal services, if provisions are included for the con-*  
22 *sideration of United States coal as an energy source.*

23 *SEC. 8076. None of the funds appropriated in title IV*  
24 *of this Act may be used to procure end-items for delivery*  
25 *to military forces for operational training, operational use*

1 *or inventory requirements: Provided, That this restriction*  
2 *does not apply to end-items used in development, proto-*  
3 *typing, and test activities preceding and leading to accept-*  
4 *ance for operational use: Provided further, That this restric-*  
5 *tion does not apply to programs funded within the National*  
6 *Foreign Intelligence Program: Provided further, That the*  
7 *Secretary of Defense may waive this restriction on a case-*  
8 *by-case basis by certifying in writing to the Committees on*  
9 *Appropriations of the House of Representatives and the*  
10 *Senate that it is in the national security interest to do so.*

11 *SEC. 8077. None of the funds made available in this*  
12 *Act may be used to approve or license the sale of the F-*  
13 *22 advanced tactical fighter to any foreign government.*

14 *SEC. 8078. (a) The Secretary of Defense may, on a*  
15 *case-by-case basis, waive with respect to a foreign country*  
16 *each limitation on the procurement of defense items from*  
17 *foreign sources provided in law if the Secretary determines*  
18 *that the application of the limitation with respect to that*  
19 *country would invalidate cooperative programs entered into*  
20 *between the Department of Defense and the foreign country,*  
21 *or would invalidate reciprocal trade agreements for the pro-*  
22 *curement of defense items entered into under section 2531*  
23 *of title 10, United States Code, and the country does not*  
24 *discriminate against the same or similar defense items pro-*  
25 *duced in the United States for that country.*

1       (b) Subsection (a) applies with respect to—

2               (1) contracts and subcontracts entered into on or  
3       after the date of the enactment of this Act; and

4               (2) options for the procurement of items that are  
5       exercised after such date under contracts that are en-  
6       tered into before such date if the option prices are ad-  
7       justed for any reason other than the application of a  
8       waiver granted under subsection (a).

9       (c) Subsection (a) does not apply to a limitation re-  
10   garding construction of public vessels, ball and roller bear-  
11   ings, food, and clothing or textile materials as defined by  
12   section 11 (chapters 50–65) of the Harmonized Tariff  
13   Schedule and products classified under headings 4010,  
14   4202, 4203, 6401 through 6406, 6505, 7019, 7218 through  
15   7229, 7304.41 through 7304.49, 7306.40, 7502 through  
16   7508, 8105, 8108, 8109, 8211, 8215, and 9404.

17       SEC. 8079. Funds made available to the Civil Air Pa-  
18   trol in this Act under the heading “Drug Interdiction and  
19   Counter-Drug Activities, Defense” may be used for the Civil  
20   Air Patrol Corporation’s counterdrug program, including  
21   its demand reduction program involving youth programs,  
22   as well as operational and training drug reconnaissance  
23   missions for Federal, State, and local government agencies;  
24   and for equipment needed for mission support or perform-  
25   ance: Provided, That the Department of the Air Force

1 *should waive reimbursement from the Federal, State, and*  
2 *local government agencies for the use of these funds.*

3       *SEC. 8080. (a) PROHIBITION.—None of the funds made*  
4 *available by this Act may be used to support any training*  
5 *program involving a unit of the security forces of a foreign*  
6 *country if the Secretary of Defense has received credible in-*  
7 *formation from the Department of State that the unit has*  
8 *committed a gross violation of human rights, unless all nec-*  
9 *essary corrective steps have been taken.*

10       *(b) MONITORING.—The Secretary of Defense, in con-*  
11 *sultation with the Secretary of State, shall ensure that prior*  
12 *to a decision to conduct any training program referred to*  
13 *in subsection (a), full consideration is given to all credible*  
14 *information available to the Department of State relating*  
15 *to human rights violations by foreign security forces.*

16       *(c) WAIVER.—The Secretary of Defense, after consulta-*  
17 *tion with the Secretary of State, may waive the prohibition*  
18 *in subsection (a) if he determines that such waiver is re-*  
19 *quired by extraordinary circumstances.*

20       *(d) REPORT.—Not more than 15 days after the exercise*  
21 *of any waiver under subsection (c), the Secretary of Defense*  
22 *shall submit a report to the congressional defense commit-*  
23 *tees describing the extraordinary circumstances, the purpose*  
24 *and duration of the training program, the United States*  
25 *forces and the foreign security forces involved in the train-*

1 ing program, and the information relating to human rights  
 2 violations that necessitates the waiver.

3       *SEC. 8081. The Secretary of Defense, in coordination*  
 4 *with the Secretary of Health and Human Services, may*  
 5 *carry out a program to distribute surplus dental equipment*  
 6 *of the Department of Defense, at no cost to the Department*  
 7 *of Defense, to Indian Health Service facilities and to feder-*  
 8 *ally-qualified health centers (within the meaning of section*  
 9 *1905(l)(2)(B) of the Social Security Act (42 U.S.C.*  
 10 *1396d(l)(2)(B))).*

11       *SEC. 8082. The total amount appropriated in this Act*  
 12 *is hereby reduced by \$338,000,000 to reflect savings from*  
 13 *favorable foreign currency fluctuations, to be derived as fol-*  
 14 *lows:*

15               *“Military Personnel, Army”, \$80,000,000;*  
 16               *“Military Personnel, Navy”, \$6,500,000;*  
 17               *“Military Personnel, Marine Corps”,*  
 18               *\$11,000,000;*  
 19               *“Military Personnel, Air Force”, \$29,000,000;*  
 20               *“Operation and Maintenance, Army”,*  
 21               *\$102,000,000;*  
 22               *“Operation and Maintenance, Navy”,*  
 23               *\$21,500,000;*  
 24               *“Operation and Maintenance, Marine Corps”,*  
 25               *\$2,000,000;*

1           “Operation and Maintenance, Air Force”,  
2       \$46,000,000; and

3           “Operation and Maintenance, Defense-Wide”,  
4       \$40,000,000.

5       *SEC. 8083. None of the funds appropriated or made*  
6 *available in this Act to the Department of the Navy shall*  
7 *be used to develop, lease or procure the T-AKE class of ships*  
8 *unless the main propulsion diesel engines and propulsors*  
9 *are manufactured in the United States by a domestically*  
10 *operated entity: Provided, That the Secretary of Defense*  
11 *may waive this restriction on a case-by-case basis by certi-*  
12 *fying in writing to the Committees on Appropriations of*  
13 *the House of Representatives and the Senate that adequate*  
14 *domestic supplies are not available to meet Department of*  
15 *Defense requirements on a timely basis and that such an*  
16 *acquisition must be made in order to acquire capability for*  
17 *national security purposes or there exists a significant cost*  
18 *or quality difference.*

19       *SEC. 8084. None of the funds appropriated or other-*  
20 *wise made available by this or other Department of Defense*  
21 *Appropriations Acts may be obligated or expended for the*  
22 *purpose of performing repairs or maintenance to military*  
23 *family housing units of the Department of Defense, includ-*  
24 *ing areas in such military family housing units that may*



1 *be used for the purpose of conducting official Department*  
2 *of Defense business.*

3       *SEC. 8085. Notwithstanding any other provision of*  
4 *law, funds appropriated in this Act under the heading “Re-*  
5 *search, Development, Test and Evaluation, Defense-Wide”*  
6 *for any advanced concept technology demonstration project*  
7 *may only be obligated 30 days after a report, including a*  
8 *description of the project and its estimated annual and total*  
9 *cost, has been provided in writing to the congressional de-*  
10 *fense committees: Provided, That the Secretary of Defense*  
11 *may waive this restriction on a case-by-case basis by certi-*  
12 *fying to the congressional defense committees that it is in*  
13 *the national interest to do so.*

14       *SEC. 8086. Notwithstanding any other provision of*  
15 *law, for the purpose of establishing all Department of De-*  
16 *fense policies governing the provision of care provided by*  
17 *and financed under the military health care system’s case*  
18 *management program under 10 U.S.C. 1079(a)(17), the*  
19 *term “custodial care” shall be defined as care designed es-*  
20 *entially to assist an individual in meeting the activities*  
21 *of daily living and which does not require the supervision*  
22 *of trained medical, nursing, paramedical or other specially*  
23 *trained individuals: Provided, That the case management*  
24 *program shall provide that members and retired members*  
25 *of the military services, and their dependents and survivors,*

1 *have access to all medically necessary health care through*  
2 *the health care delivery system of the military services re-*  
3 *gardless of the health care status of the person seeking the*  
4 *health care: Provided further, That the case management*  
5 *program shall be the primary obligor for payment of medi-*  
6 *cally necessary services and shall not be considered as sec-*  
7 *ondarily liable to title XIX of the Social Security Act, other*  
8 *welfare programs or charity based care.*

9       *SEC. 8087. During the current fiscal year, refunds at-*  
10 *tributable to the use of the Government travel card, refunds*  
11 *attributable to the use of the Government Purchase Card*  
12 *and refunds attributable to official Government travel ar-*  
13 *ranged by Government Contracted Travel Management*  
14 *Centers may be credited to operation and maintenance ac-*  
15 *counts of the Department of Defense which are current when*  
16 *the refunds are received.*

17       *SEC. 8088. (a) REGISTERING FINANCIAL MANAGE-*  
18 *MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD*  
19 *CHIEF INFORMATION OFFICER.—None of the funds appro-*  
20 *priated in this Act may be used for a mission critical or*  
21 *mission essential financial management information tech-*  
22 *nology system (including a system funded by the defense*  
23 *working capital fund) that is not registered with the Chief*  
24 *Information Officer of the Department of Defense. A system*  
25 *shall be considered to be registered with that officer upon*

1 *the furnishing to that officer of notice of the system, together*  
 2 *with such information concerning the system as the Sec-*  
 3 *retary of Defense may prescribe. A financial management*  
 4 *information technology system shall be considered a mission*  
 5 *critical or mission essential information technology system*  
 6 *as defined by the Under Secretary of Defense (Comptroller).*

7 *(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINAN-*  
 8 *CIAL MANAGEMENT MODERNIZATION PLAN.—*

9 *(1) During the current fiscal year, a financial*  
 10 *management major automated information system*  
 11 *may not receive Milestone A approval, Milestone B*  
 12 *approval, or full rate production, or their equivalent,*  
 13 *within the Department of Defense until the Under*  
 14 *Secretary of Defense (Comptroller) certifies, with re-*  
 15 *spect to that milestone, that the system is being devel-*  
 16 *oped and managed in accordance with the Depart-*  
 17 *ment's Financial Management Modernization Plan.*  
 18 *The Under Secretary of Defense (Comptroller) may*  
 19 *require additional certifications, as appropriate, with*  
 20 *respect to any such system.*

21 *(2) The Chief Information Officer shall provide*  
 22 *the congressional defense committees timely notifica-*  
 23 *tion of certifications under paragraph (1).*

24 *(c) CERTIFICATIONS AS TO COMPLIANCE WITH*  
 25 *CLINGER-COHEN ACT.—(1) During the current fiscal year,*

1 *a major automated information system may not receive*  
2 *Milestone A approval, Milestone B approval, or full rate*  
3 *production approval, or their equivalent, within the De-*  
4 *partment of Defense until the Chief Information Officer cer-*  
5 *tifies, with respect to that milestone, that the system is being*  
6 *developed in accordance with the Clinger-Cohen Act of 1996*  
7 *(40 U.S.C. 1401 et seq.). The Chief Information Officer may*  
8 *require additional certifications, as appropriate, with re-*  
9 *spect to any such system.*

10 *(2) The Chief Information Officer shall provide the*  
11 *congressional defense committees timely notification of cer-*  
12 *tifications under paragraph (1). Each such notification*  
13 *shall include, at a minimum, the funding baseline and*  
14 *milestone schedule for each system covered by such a certifi-*  
15 *cation and confirmation that the following steps have been*  
16 *taken with respect to the system:*

17 *(A) Business process reengineering.*

18 *(B) An analysis of alternatives.*

19 *(C) An economic analysis that includes a calculation*  
20 *of the return on investment.*

21 *(D) Performance measures.*

22 *(E) An information assurance strategy consistent with*  
23 *the Department's Global Information Grid.*

24 *(d) DEFINITIONS.—For purposes of this section:*

1           (1) *The term “Chief Information Officer” means*  
2           *the senior official of the Department of Defense des-*  
3           *ignated by the Secretary of Defense pursuant to sec-*  
4           *tion 3506 of title 44, United States Code.*

5           (2) *The term “information technology system”*  
6           *has the meaning given the term “information tech-*  
7           *nology” in section 5002 of the Clinger-Cohen Act of*  
8           *1996 (40 U.S.C. 1401).*

9           (3) *The term “major automated information sys-*  
10          *tem” has the meaning given that term in Department*  
11          *of Defense Directive 5000.1.*

12          *SEC. 8089. During the current fiscal year, none of the*  
13          *funds available to the Department of Defense may be used*  
14          *to provide support to another department or agency of the*  
15          *United States if such department or agency is more than*  
16          *90 days in arrears in making payment to the Department*  
17          *of Defense for goods or services previously provided to such*  
18          *department or agency on a reimbursable basis: Provided,*  
19          *That this restriction shall not apply if the department is*  
20          *authorized by law to provide support to such department*  
21          *or agency on a nonreimbursable basis, and is providing the*  
22          *requested support pursuant to such authority: Provided fur-*  
23          *ther, That the Secretary of Defense may waive this restric-*  
24          *tion on a case-by-case basis by certifying in writing to the*  
25          *Committees on Appropriations of the House of Representa-*

1 *tives and the Senate that it is in the national security inter-*  
2 *est to do so.*

3       *SEC. 8090. None of the funds provided in this Act may*  
4 *be used to transfer to any nongovernmental entity ammuni-*  
5 *tion held by the Department of Defense that has a center-*  
6 *fire cartridge and a United States military nomenclature*  
7 *designation of “armor penetrator”, “armor piercing (AP)”,*  
8 *“armor piercing incendiary (API)”, or “armor-piercing in-*  
9 *cendiary-tracer (API-T)”, except to an entity performing*  
10 *demilitarization services for the Department of Defense*  
11 *under a contract that requires the entity to demonstrate to*  
12 *the satisfaction of the Department of Defense that armor*  
13 *piercing projectiles are either: (1) rendered incapable of*  
14 *reuse by the demilitarization process; or (2) used to manu-*  
15 *facture ammunition pursuant to a contract with the De-*  
16 *partment of Defense or the manufacture of ammunition for*  
17 *export pursuant to a License for Permanent Export of Un-*  
18 *classified Military Articles issued by the Department of*  
19 *State.*

20       *SEC. 8091. Notwithstanding any other provision of*  
21 *law, the Chief of the National Guard Bureau, or his des-*  
22 *ignee, may waive payment of all or part of the consider-*  
23 *ation that otherwise would be required under 10 U.S.C.*  
24 *2667, in the case of a lease of personal property for a period*  
25 *not in excess of 1 year to any organization specified in 32*

1 *U.S.C. 508(d), or any other youth, social, or fraternal non-*  
2 *profit organization as may be approved by the Chief of the*  
3 *National Guard Bureau, or his designee, on a case-by-case*  
4 *basis.*

5       *SEC. 8092. None of the funds appropriated by this Act*  
6 *shall be used for the support of any nonappropriated funds*  
7 *activity of the Department of Defense that procures malt*  
8 *beverages and wine with nonappropriated funds for resale*  
9 *(including such alcoholic beverages sold by the drink) on*  
10 *a military installation located in the United States unless*  
11 *such malt beverages and wine are procured within that*  
12 *State, or in the case of the District of Columbia, within*  
13 *the District of Columbia, in which the military installation*  
14 *is located: Provided, That in a case in which the military*  
15 *installation is located in more than one State, purchases*  
16 *may be made in any State in which the installation is lo-*  
17 *cated: Provided further, That such local procurement re-*  
18 *quirements for malt beverages and wine shall apply to all*  
19 *alcoholic beverages only for military installations in States*  
20 *which are not contiguous with another State: Provided fur-*  
21 *ther, That alcoholic beverages other than wine and malt bev-*  
22 *erages, in contiguous States and the District of Columbia*  
23 *shall be procured from the most competitive source, price*  
24 *and other factors considered.*

1       *SEC. 8093. During the current fiscal year and here-*  
2 *after, under regulations prescribed by the Secretary of De-*  
3 *fense, the Center of Excellence for Disaster Management and*  
4 *Humanitarian Assistance may also pay, or authorize pay-*  
5 *ment for, the expenses of providing or facilitating education*  
6 *and training for appropriate military and civilian per-*  
7 *sonnel of foreign countries in disaster management, peace*  
8 *operations, and humanitarian assistance.*

9       *SEC. 8094. (a) The Department of Defense is author-*  
10 *ized to enter into agreements with the Department of Vet-*  
11 *erans Affairs and federally-funded health agencies pro-*  
12 *viding services to Native Hawaiians for the purpose of es-*  
13 *tablishing a partnership similar to the Alaska Federal*  
14 *Health Care Partnership, in order to maximize Federal re-*  
15 *sources in the provision of health care services by federally-*  
16 *funded health agencies, applying telemedicine technologies.*  
17 *For the purpose of this partnership, Native Hawaiians*  
18 *shall have the same status as other Native Americans who*  
19 *are eligible for the health care services provided by the In-*  
20 *dian Health Service.*

21       *(b) The Department of Defense is authorized to develop*  
22 *a consultation policy, consistent with Executive Order No.*  
23 *13084 (issued May 14, 1998), with Native Hawaiians for*  
24 *the purpose of assuring maximum Native Hawaiian par-*  
25 *ticipation in the direction and administration of govern-*



1 *mental services so as to render those services more respon-*  
2 *sive to the needs of the Native Hawaiian community.*

3 *(c) For purposes of this section, the term “Native Ha-*  
4 *waiian” means any individual who is a descendant of the*  
5 *aboriginal people who, prior to 1778, occupied and exer-*  
6 *cised sovereignty in the area that now comprises the State*  
7 *of Hawaii.*

8 *SEC. 8095. Of the amounts appropriated in this Act*  
9 *under the heading “Research, Development, Test and Eval-*  
10 *uation, Defense-Wide”, \$146,000,000 shall be made avail-*  
11 *able for the Arrow missile defense program: Provided, That*  
12 *of this amount, \$66,000,000 shall be available for the pur-*  
13 *pose of continuing the Arrow System Improvement Pro-*  
14 *gram (ASIP), \$10,000,000 shall be available for continuing*  
15 *the Enhanced Arrow Deployability Program, and*  
16 *\$70,000,000 shall be available for the purpose of producing*  
17 *Arrow missile components in the United States and Arrow*  
18 *missile components and missiles in Israel to meet Israel’s*  
19 *defense requirements, consistent with each nation’s laws,*  
20 *regulations and procedures: Provided further, That funds*  
21 *made available under this provision for production of mis-*  
22 *siles and missile components may be transferred to appro-*  
23 *priations available for the procurement of weapons and*  
24 *equipment, to be merged with and to be available for the*  
25 *same time period and the same purposes as the appropria-*

1 *tion to which transferred: Provided further, That the trans-*  
 2 *fer authority provided under this provision is in addition*  
 3 *to any other transfer authority contained in this Act.*

4 *SEC. 8096. Funds available to the Department of De-*  
 5 *fense for the Global Positioning System during the current*  
 6 *fiscal year may be used to fund civil requirements associ-*  
 7 *ated with the satellite and ground control segments of such*  
 8 *system's modernization program.*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *SEC. 8097. Of the amounts appropriated in this Act*  
 11 *under the heading, "Operation and Maintenance, Defense-*  
 12 *Wide", \$68,000,000 shall remain available until expended:*  
 13 *Provided, That notwithstanding any other provision of law,*  
 14 *the Secretary of Defense is authorized to transfer such funds*  
 15 *to other activities of the Federal Government.*

16 *SEC. 8098. Section 8106 of the Department of Defense*  
 17 *Appropriations Act, 1997 (titles I through VIII of the mat-*  
 18 *ter under subsection 101(b) of Public Law 104-208; 110*  
 19 *Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect*  
 20 *to apply to disbursements that are made by the Department*  
 21 *of Defense in fiscal year 2003.*

22 *SEC. 8099. Of the funds made available under the*  
 23 *heading "Operation and Maintenance, Air Force",*  
 24 *\$8,000,000 shall be available to realign railroad track on*  
 25 *Elmendorf Air Force Base and Fort Richardson.*

1       *SEC. 8100. Notwithstanding any other provision of*  
2 *this Act, the total amount appropriated in this Act is here-*  
3 *by reduced by \$850,000,000, to reflect savings to be achieved*  
4 *from business process reforms, management efficiencies, and*  
5 *procurement of administrative and management support:*  
6 *Provided, That none of the funds provided in this Act may*  
7 *be used for consulting and advisory services for legislative*  
8 *affairs and legislative liaison functions.*

9                   *(INCLUDING TRANSFER OF FUNDS)*

10       *SEC. 8101. Of the amounts appropriated in this Act*  
11 *under the heading “Shipbuilding and Conversion, Navy”,*  
12 *\$1,481,955,000 shall be available until September 30, 2003,*  
13 *to fund prior year shipbuilding cost increases: Provided,*  
14 *That upon enactment of this Act, the Secretary of the Navy*  
15 *shall transfer such funds to the following appropriations in*  
16 *the amounts specified: Provided further, That the amounts*  
17 *transferred shall be merged with and be available for the*  
18 *same purposes as the appropriations to which transferred:*

19               *To:*

20                   *Under the heading, “Shipbuilding and Con-*  
21 *version, Navy, 1996/03”:*

22                               *LPD-17 Amphibious Transport Dock*  
23                               *Ship Program, \$300,681,000;*

24                   *Under the heading, “Shipbuilding and Con-*  
25 *version, Navy, 1998/03”:*

1 *DDG-51 Destroyer Program,*

2 *\$76,100,000;*

3 *New SSN, \$190,882,000;*

4 *Under the heading, “Shipbuilding and Con-*

5 *version, Navy, 1999/03”:*

6 *DDG-51 Destroyer Program,*

7 *\$93,736,000;*

8 *LPD-17 Amphibious Transport Dock*

9 *Ship Program, \$82,000,000;*

10 *New SSN, \$292,000,000;*

11 *Under the heading, “Shipbuilding and Con-*

12 *version, Navy, 2000/03”:*

13 *DDG-51 Destroyer Program,*

14 *\$72,924,000;*

15 *LPD-17 Amphibious Transport Dock*

16 *Ship Program, \$187,000,000;*

17 *Under the heading, “Shipbuilding and Con-*

18 *version, Navy, 2001/03”:*

19 *DDG-51 Destroyer Program,*

20 *\$81,700,000;*

21 *New SSN, \$6,932,000; and*

22 *Under the heading, “Shipbuilding and Con-*

23 *version, Navy, 2002/03”:*

24 *DDG-51 Destroyer Program,*

25 *\$98,000,000.*

1       *SEC. 8102. The Secretary of the Navy may settle, or*  
 2       *compromise, and pay any and all admiralty claims under*  
 3       *10 U.S.C. 7622 arising out of the collision involving the*  
 4       *U.S.S. GREENEVILLE and the EHIME MARU, in any*  
 5       *amount and without regard to the monetary limitations in*  
 6       *subsections (a) and (b) of that section: Provided, That such*  
 7       *payments shall be made from funds available to the Depart-*  
 8       *ment of the Navy for operation and maintenance.*

9                               *(TRANSFER OF FUNDS)*

10       *SEC. 8103. Upon enactment of this Act, the Secretary*  
 11       *of the Navy shall make the following transfers of funds: Pro-*  
 12       *vided, That the amounts transferred shall be available for*  
 13       *the same purpose as the appropriations to which trans-*  
 14       *ferred, and for the same time period as the appropriation*  
 15       *from which transferred: Provided further, That the amounts*  
 16       *shall be transferred between the following appropriations in*  
 17       *the amount specified:*

18                       *From:*

19                               *Under the heading, “Shipbuilding and Con-*  
 20       *version, Navy, 1994/2003”:*

21                               *DDG–51       Destroyer       program,*

22                               *\$7,900,000;*

23                               *LHD–1 Amphibious Assault Ship pro-*  
 24       *gram, \$6,500,000;*

25                               *Oceanographic       Ship       program,*

26                               *\$3,416,000;*

1                   *Craft, outfitting, post delivery, first*  
2                   *destination transportation, \$1,800,000;*

3                   *Mine warfare command and control*  
4                   *ship, \$604,000;*

5           *To:*

6                   *Under the heading, “Shipbuilding and Con-*  
7                   *version, Navy, 1999/2003”:*

8                   *LPD-17 Amphibious Transport Dock*  
9                   *Ship program, \$20,220,000.*

10       *SEC. 8104. Notwithstanding section 229(a) of the So-*  
11       *cial Security Act, no wages shall be deemed to have been*  
12       *paid to any individual pursuant to that section in any cal-*  
13       *endar year after 2001.*

14       *SEC. 8105. Up to \$3,000,000 of the funds appropriated*  
15       *under the heading “Operation and Maintenance, Navy” in*  
16       *this Act for the Pacific Missile Range Facility may be made*  
17       *available to contract for the repair, maintenance, and oper-*  
18       *ation of adjacent off-base water, drainage, and flood control*  
19       *systems critical to base operations.*

20       *SEC. 8106. Notwithstanding any other provision of*  
21       *law or regulation, the Secretary of Defense may exercise the*  
22       *provisions of 38 U.S.C. 7403(g) for occupations listed in*  
23       *38 U.S.C. 7403(a)(2) as well as the following:*

24                   *Pharmacists, Audiologists, and Dental Hygien-*  
25                   *ists.*

1                   (A)    The requirements of 38 U.S.C.  
2                   7403(g)(1)(A) shall apply.

3                   (B)    The limitations of 38 U.S.C.  
4                   7403(g)(1)(B) shall not apply.

5       *SEC. 8107. Of the total amount appropriated by this*  
6 *Act under the heading “Operation and Maintenance, De-*  
7 *fense-Wide”, \$5,000,000 may be available for payments*  
8 *under section 363 of the Floyd D. Spence National Defense*  
9 *Authorization Act for Fiscal Year 2001 (as enacted into law*  
10 *by Public Law 106–398; 114 Stat. 1654A–77).*

11       *SEC. 8108. In addition to funds made available else-*  
12 *where in this Act \$5,000,000 is hereby appropriated and*  
13 *shall remain available until expended to provide assistance,*  
14 *by grant or otherwise (such as, but not limited to, the provi-*  
15 *sion of funds for repairs, maintenance, and/or for the pur-*  
16 *chase of information technology, text books, teaching re-*  
17 *sources), to public schools that have unusually high con-*  
18 *centrations of special needs military dependents enrolled:*  
19 *Provided, That in selecting school systems to receive such*  
20 *assistance, special consideration shall be given to school sys-*  
21 *tems in States that are considered overseas assignments,*  
22 *and all schools within these school systems shall be eligible*  
23 *for assistance: Provided further, That up to \$2,000,000 shall*  
24 *be available for the Department of Defense to establish a*  
25 *non-profit trust fund to assist in the public-private funding*

1 of public school repair and maintenance projects, or provide  
2 directly to non-profit organizations who in return will use  
3 these monies to provide assistance in the form of repair,  
4 maintenance, or renovation to public school systems that  
5 have high concentrations of special needs military depend-  
6 ents and are located in States that are considered overseas  
7 assignments, and of which 2 percent shall be available to  
8 support the administration and execution of the funds: Pro-  
9 vided further, That to the extent a federal agency provides  
10 this assistance, by contract, grant, or otherwise, it may ac-  
11 cept and expend non-federal funds in combination with  
12 these federal funds to provide assistance for the authorized  
13 purpose, if the non-federal entity requests such assistance  
14 and the non-federal funds are provided on a reimbursable  
15 basis.

16 SEC. 8109. Notwithstanding any other provision in  
17 this Act, the total amount appropriated in this Act is here-  
18 by reduced by \$400,000,000, to reduce cost growth in infor-  
19 mation technology development, to be distributed as follows:

20 “Operation and Maintenance, Defense-Wide”,  
21 \$19,500,000;

22 “Other Procurement, Army”, \$53,200,000;

23 “Other Procurement, Navy”, \$20,600,000;

24 “Procurement, Marine Corps”, \$3,400,000;

25 “Other Procurement, Air Force”, \$12,000,000;



1           *“Procurement, Defense-Wide”, \$3,500,000;*  
2           *“Research, Development, Test and Evaluation,*  
3           *Army”, \$17,700,000;*  
4           *“Research, Development, Test and Evaluation,*  
5           *Navy”, \$25,600,000;*  
6           *“Research, Development, Test and Evaluation,*  
7           *Air Force”, \$27,200,000;*  
8           *“Research, Development, Test and Evaluation,*  
9           *Defense-Wide”, \$36,600,000;*  
10          *“Defense Working Capital Funds”, \$148,600,000;*  
11          *and*  
12          *“Defense Health Program”, \$32,100,000.*

13       *SEC. 8110. In addition to the amounts appropriated*  
14 *or otherwise made available in this Act, \$4,000,000, to re-*  
15 *main available until September 30, 2003, is hereby appro-*  
16 *priated to the Department of Defense: Provided, That the*  
17 *Secretary of Defense shall make a grant in the amount of*  
18 *\$4,000,000 to the American Red Cross for Armed Forces*  
19 *Emergency Services.*

20       *SEC. 8111. None of the funds appropriated in this Act*  
21 *under the heading “Overseas Contingency Operations*  
22 *Transfer Fund” may be transferred or obligated for Depart-*  
23 *ment of Defense expenses not directly related to the conduct*  
24 *of overseas contingencies: Provided, That the Secretary of*  
25 *Defense shall submit a report no later than 30 days after*

1 *the end of each fiscal quarter to the Committees on Appro-*  
2 *priations of the Senate and House of Representatives that*  
3 *details any transfer of funds from the “Overseas Contingency*  
4 *Operations Transfer Fund”: Provided further, That*  
5 *the report shall explain any transfer for the maintenance*  
6 *of real property, pay of civilian personnel, base operations*  
7 *support, and weapon, vehicle or equipment maintenance.*

8       *SEC. 8112. For purposes of section 1553(b) of title 31,*  
9 *United States Code, any subdivision of appropriations*  
10 *made in this Act under the heading “Shipbuilding and*  
11 *Conversion, Navy” shall be considered to be for the same*  
12 *purpose as any subdivision under the heading “Ship-*  
13 *building and Conversion, Navy” appropriations in any*  
14 *prior year, and the 1 percent limitation shall apply to the*  
15 *total amount of the appropriation.*

16       *SEC. 8113. The budget of the President for fiscal year*  
17 *2004 submitted to the Congress pursuant to section 1105*  
18 *of title 31, United States Code, and each annual budget re-*  
19 *quest thereafter, shall include separate budget justification*  
20 *documents for costs of United States Armed Forces’ partici-*  
21 *pation in contingency operations for the Military Personnel*  
22 *accounts, the Overseas Contingency Operations Transfer*  
23 *Fund, the Operation and Maintenance accounts, and the*  
24 *Procurement accounts: Provided, That these budget jus-*  
25 *tification documents shall include a description of the fund-*

1 *ing requested for each anticipated contingency operation,*  
2 *for each military service, to include active duty and Guard*  
3 *and Reserve components, and for each appropriation ac-*  
4 *count: Provided further, That these documents shall include*  
5 *estimated costs for each element of expense or object class,*  
6 *a reconciliation of increases and decreases for ongoing con-*  
7 *tingency operations, and programmatic data including, but*  
8 *not limited to troop strength for each active duty and*  
9 *Guard and Reserve component, and estimates of the major*  
10 *weapons systems deployed in support of each contingency:*  
11 *Provided further, That these documents shall include budget*  
12 *exhibits OP-5 and OP-32, as defined in the Department*  
13 *of Defense Financial Management Regulation, for the Over-*  
14 *seas Contingency Operations Transfer Fund for fiscal years*  
15 *2002 and 2003.*

16 *SEC. 8114. Notwithstanding any other provision in*  
17 *this Act, the total amount appropriated in this Act is here-*  
18 *by reduced by \$59,260,000, to reduce cost growth in travel,*  
19 *to be distributed as follows:*

20 *“Operation and Maintenance, Army”,*  
21 *\$14,000,000;*

22 *“Operation and Maintenance, Navy”,*  
23 *\$9,000,000;*

24 *“Operation and Maintenance, Marine Corps”,*  
25 *\$10,000,000;*

1           “Operation and Maintenance, Air Force”,  
2       \$15,000,000; and  
3           “Operation and Maintenance, Defense-wide”,  
4       \$11,260,000.

5       *SEC. 8115. None of the funds in this Act may be used*  
6 *for research, development, test, evaluation, procurement or*  
7 *deployment of nuclear armed interceptors of a missile de-*  
8 *fense system.*

9       *SEC. 8116. (a) In addition to the amounts appro-*  
10 *priated or otherwise made available in this Act,*  
11 *\$814,300,000 is hereby appropriated to the Department of*  
12 *Defense for whichever of the following purposes the Presi-*  
13 *dent determines to be in the national security interests of*  
14 *the United States:*

15           (1) *research, development, test and evaluation for*  
16 *ballistic missile defense; and,*  
17           (2) *activities for combating terrorism.*

18       *(b) The total amount appropriated or otherwise made*  
19 *available by this Act is hereby reduced by \$814,300,000 to*  
20 *reflect revised economic assumptions: Provided, That the*  
21 *Secretary of Defense shall allocate this reduction propor-*  
22 *tionately by program, project, and activity: Provided fur-*  
23 *ther, That appropriations made available in this Act for*  
24 *the pay and benefits of military personnel are exempt from*  
25 *reductions under this provision.*

5       “(g) Notwithstanding any other provision of law, any  
6   payments made pursuant to Subsection (c)(3) above may  
7   be made from appropriations available for operation and  
8   maintenance or for lease or procurement of aircraft at the  
9   time that the lease is signed.”.

SEC. 8118. In addition to the amounts appropriated or otherwise made available by this Act, \$300,000,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard.

16        *SEC. 8119. During the current fiscal year, section*  
17 *2533a(f) of Title 10, United States Code, shall not apply*  
18 *to any fish, shellfish, or seafood product. This section is ap-*  
19 *plicable to contracts and subcontracts for the procurement*  
20 *of commercial items notwithstanding section 34 of the Office*  
21 *of Federal Procurement Policy Act (41 U.S.C. 430).*

SEC. 8120. None of the funds appropriated by this Act  
may be used to convert the 939th Combat Search and Res-  
cue Wing of the Air Force Reserve until 60 days after the  
Secretary of the Air Force certifies to the Congress the fol-  
lowing: (a) that a functionally comparable search and res-

1 *cue capability is available in the 939th Search and Rescue*  
2 *Wing's area of responsibility; (b) that any new aircraft as-*  
3 *signed to the unit will comply with local environmental and*  
4 *noise standards; and (c) that the Air Force has developed*  
5 *a plan for the transition of personnel and manpower billets*  
6 *currently assigned to this unit.*

7       *SEC. 8121. NAVY DRY-DOCK AFDL-47 (a) REQUIRE-*  
8 *MENT FOR SALE.—Notwithstanding any other provision of*  
9 *law, the Secretary of the Navy shall sell the Navy Dry-dock*  
10 *AFDL-47, located in Charleston, South Carolina, to*  
11 *Detyens Shipyards, Inc., the current lessee of the dry-dock*  
12 *from the Navy.*

13       *(b) CONSIDERATION.—As consideration for the sale of*  
14 *the dry-dock under subsection (a), the Secretary shall re-*  
15 *ceive an amount equal to the fair market value of the dry-*  
16 *dock at the time of the sale, as determined by the Secretary,*  
17 *taking into account amounts paid by, or due and owing*  
18 *from, the lessee.*

19       *SEC. 8122. (a) MANAGEMENT OF CHEMICAL DEMILI-*  
20 *TARIZATION ACTIVITIES AT BLUEGRASS ARMY DEPOT,*  
21 *KENTUCKY.—If a technology other than the baseline incin-*  
22 *eration program is selected for the destruction of lethal*  
23 *chemical munitions pursuant to section 142 of the Strom*  
24 *Thurmond National Defense Authorization Act for Fiscal*  
25 *Year 1999 (Public Law 105-261; 50 U.S.C. 1521 note), the*

1 *program manager for the Assembled Chemical Weapons As-*  
 2 *essment shall be responsible for management of the con-*  
 3 *struction, operation, and closure, and any contracting re-*  
 4 *lating thereto, of chemical demilitarization activities at*  
 5 *Bluegrass Army Depot, Kentucky, including management*  
 6 *of the pilot-scale facility phase of the alternative technology.*

7 (b) *MANAGEMENT OF CHEMICAL DEMILITARIZATION*  
 8 *ACTIVITIES AT PUEBLO DEPOT, COLORADO.—The program*  
 9 *manager for the Assembled Chemical Weapons Assessment*  
 10 *shall be responsible for management of the construction, op-*  
 11 *eration, and closure, and any contracting relating thereto,*  
 12 *of chemical demilitarization activities at Pueblo Army*  
 13 *Depot, Colorado, including management of the pilot-scale*  
 14 *facility phase of the alternative technology selected for the*  
 15 *destruction of lethal chemical munitions.*

16 *SEC. 8123. From funds made available in this Act for*  
 17 *the Office of Economic Adjustment under the heading “Op-*  
 18 *eration and Maintenance, Defense-Wide”, \$100,000 shall be*  
 19 *available for the elimination of asbestos at former Battery*  
 20 *204, Odiorne Point, New Hampshire.*

21 *TITLE IX—COMMERCIAL REUSABLE IN-SPACE*  
 22 *TRANSPORTATION*

23 **SEC. 901. SHORT TITLE.**

24 *This title may be cited as the “Commercial Reusable*  
 25 *In-Space Transportation Act of 2002”.*

1 **SEC. 902. FINDINGS.**

2 *Congress makes the following findings:*

3 *(1) It is in the national interest to encourage the*  
4 *production of cost-effective, in-space transportation*  
5 *systems, which would be built and operated by the*  
6 *private sector on a commercial basis.*

7 *(2) The use of reusable in-space transportation*  
8 *systems will enhance performance levels of in-space*  
9 *operations, enhance efficient and safe disposal of sat-*  
10 *ellites at the end of their useful lives, and increase the*  
11 *capability and reliability of existing ground-to-space*  
12 *launch vehicles.*

13 *(3) Commercial reusable in-space transportation*  
14 *systems will enhance the economic well-being and na-*  
15 *tional security of the United States by reducing space*  
16 *operations costs for commercial and national space*  
17 *programs and by adding new space capabilities to*  
18 *space operations.*

19 *(4) Commercial reusable in-space transportation*  
20 *systems will provide new cost-effective space capabili-*  
21 *ties (including orbital transfers from low altitude or-*  
22 *bits to high altitude orbits and return, the correction*  
23 *of erroneous satellite orbits, and the recovery, refur-*  
24 *bishment, and refueling of satellites) and the provi-*  
25 *sion of upper stage functions to increase ground-to-*



1       *orbit launch vehicle payloads to geostationary and*  
2       *other high energy orbits.*

3               (5) *Commercial reusable in-space transportation*  
4       *systems can enhance and enable the space exploration*  
5       *of the United States by providing lower cost trajec-*  
6       *tory injection from earth orbit, transit trajectory con-*  
7       *trol, and planet arrival deceleration to support poten-*  
8       *tial National Aeronautics and Space Administration*  
9       *missions to Mars, Pluto, and other planets.*

10              (6) *Satellites stranded in erroneous earth orbit*  
11       *due to deficiencies in their launch represent substan-*  
12       *tial economic loss to the United States and present*  
13       *substantial concerns for the current backlog of na-*  
14       *tional space assets.*

15              (7) *Commercial reusable in-space transportation*  
16       *systems can provide new options for alternative plan-*  
17       *ning approaches and risk management to enhance the*  
18       *mission assurance of national space assets.*

19              (8) *Commercial reusable in-space transportation*  
20       *systems developed by the private sector can provide*  
21       *in-space transportation services to the National Aero-*  
22       *nautics and Space Administration, the Department of*  
23       *Defense, the National Reconnaissance Office, and*  
24       *other agencies without the need for the United States*  
25       *to bear the cost of production of such systems.*

1           (9) *The availability of loan guarantees, with the*  
2           *cost of credit risk to the United States paid by the*  
3           *private-sector, is an effective means by which the*  
4           *United States can help qualifying private-sector com-*  
5           *panies secure otherwise unattainable private financ-*  
6           *ing for the production of commercial reusable in-*  
7           *space transportation systems, while at the same time*  
8           *minimizing Government commitment and involve-*  
9           *ment in the development of such systems.*

10 **SEC. 903. LOAN GUARANTEES FOR PRODUCTION OF COM-**  
11 **MERCIAL REUSABLE IN-SPACE TRANSPOR-**  
12 **TATION.**

13           (a) *AUTHORITY TO MAKE LOAN GUARANTEES.—The*  
14           *Secretary may guarantee loans made to eligible United*  
15           *States commercial providers for purposes of producing com-*  
16           *mercial reusable in-space transportation services or sys-*  
17           *tems.*

18           (b) *ELIGIBLE UNITED STATES COMMERCIAL PRO-*  
19           *VIDERS.—The Secretary shall prescribe requirements for the*  
20           *eligibility of United States commercial providers for loan*  
21           *guarantees under this section. Such requirements shall en-*  
22           *sure that eligible providers are financially capable of under-*  
23           *taking a loan guaranteed under this section.*

24           (c) *LIMITATION ON LOANS GUARANTEED.—The Sec-*  
25           *retary may not guarantee a loan for a United States com-*

1 commercial provider under this section unless the Secretary de-  
2 termines that credit would not otherwise be reasonably  
3 available at the time of the guarantee for the commercial  
4 reusable in-space transportation service or system to be pro-  
5 duced utilizing the proceeds of the loan.

6 (d) CREDIT SUBSIDY.—

7 (1) COLLECTION REQUIRED.—The Secretary  
8 shall collect from each United States commercial pro-  
9 vider receiving a loan guarantee under this section an  
10 amount equal to the amount, as determined by the  
11 Secretary, to cover the cost, as defined in section  
12 502(5) of the Federal Credit Reform Act of 1990, of  
13 the loan guarantee.

14 (2) PERIODIC DISBURSEMENTS.—In the case of a  
15 loan guarantee in which proceeds of the loan are dis-  
16 bursed over time, the Secretary shall collect the  
17 amount required under this subsection on a pro rata  
18 basis, as determined by the Secretary, at the time of  
19 each disbursement.

20 (e) OTHER TERMS AND CONDITIONS.—

21 (1) PROHIBITION ON SUBORDINATION.—A loan  
22 guaranteed under this section may not be subordi-  
23 nated to another debt contracted by the United States  
24 commercial provider concerned, or to any other  
25 claims against such provider.

1           (2) *RESTRICTION ON INCOME.*—*A loan guaran-*  
2           *teed under this section may not—*

3                     *(A) provide income which is excluded from*  
4                     *gross income for purposes of chapter 1 of the In-*  
5                     *ternal Revenue Code of 1986; or*

6                     *(B) provide significant collateral or secu-*  
7                     *rity, as determined by the Secretary, for other*  
8                     *obligations the income from which is so excluded.*

9           (3) *TREATMENT OF GUARANTEE.*—*The guarantee*  
10           *of a loan under this section shall be conclusive evi-*  
11           *dence of the following:*

12                     *(A) That the guarantee has been properly*  
13                     *obtained.*

14                     *(B) That the loan qualifies for the guar-*  
15                     *antee.*

16                     *(C) That, but for fraud or material mis-*  
17                     *representation by the holder of the loan, the*  
18                     *guarantee is valid, legal, and enforceable.*

19           (4) *OTHER TERMS AND CONDITIONS.*—*The Sec-*  
20           *retary may establish any other terms and conditions*  
21           *for a guarantee of a loan under this section, as the*  
22           *Secretary considers appropriate to protect the finan-*  
23           *cial interests of the United States.*

24           (f) *ENFORCEMENT OF RIGHTS.*—

1           (1) *IN GENERAL.*—*The Attorney General may*  
2           *take any action the Attorney General considers ap-*  
3           *propriate to enforce any right accruing to the United*  
4           *States under a loan guarantee under this section.*

5           (2) *FORBEARANCE.*—*The Attorney General may,*  
6           *with the approval of the parties concerned, forbear*  
7           *from enforcing any right of the United States under*  
8           *a loan guaranteed under this section for the benefit*  
9           *of a United States commercial provider if such for-*  
10          *bearance will not result in any cost, as defined in sec-*  
11          *tion 502(5) of the Federal Credit Reform Act of 1990,*  
12          *to the United States.*

13          (3) *UTILIZATION OF PROPERTY.*—*Notwith-*  
14          *standing any other provision of law and subject to the*  
15          *terms of a loan guaranteed under this section, upon*  
16          *the default of a United States commercial provider*  
17          *under the loan, the Secretary may, at the election of*  
18          *the Secretary—*

19                 (A) *assume control of the physical asset fi-*  
20                 *nanced by the loan; and*

21                 (B) *complete, recondition, reconstruct, ren-*  
22                 *ovate, repair, maintain, operate, or sell the phys-*  
23                 *ical asset.*

24          (g) *CREDIT INSTRUMENTS.*—

1           (1) *AUTHORITY TO ISSUE INSTRUMENTS.*—Not-  
2       withstanding any other provision of law, the Sec-  
3       retary may, subject to such terms and conditions as  
4       the Secretary considers appropriate, issue credit in-  
5       struments to United States commercial providers of  
6       in-space transportation services or system, with the  
7       aggregate cost (as determined under the provisions of  
8       the Federal Credit Reform Act of 1990 (2 U.S.C. 661  
9       et seq.)) of such instruments not to exceed  
10      \$1,500,000,000, but only to the extent that new budget  
11      authority to cover such costs is provided in subsequent  
12      appropriations Acts or authority is otherwise pro-  
13      vided in subsequent appropriations Acts.

14          (2) *CREDIT SUBSIDY.*—The Secretary shall pro-  
15      vide a credit subsidy for any credit instrument issued  
16      under this subsection in accordance with the provi-  
17      sions of the Federal Credit Reform Act of 1990.

18          (3) *CONSTRUCTION.*—The eligibility of a United  
19      States commercial provider of in-space transportation  
20      services or systems for a credit instrument under this  
21      subsection is in addition to any eligibility of such  
22      provider for a loan guarantee under other provisions  
23      of this section.

24   **SEC. 904. DEFINITIONS.**

25      *In this title:*

1           (1) *SECRETARY.*—*The term “Secretary” means*  
2           *the Secretary of Defense.*

3           (2) *COMMERCIAL PROVIDER.*—*The term “com-*  
4           *mercial provider” means any person or entity pro-*  
5           *viding commercial reusable in-orbit space transpor-*  
6           *tation services or systems, primary control of which*  
7           *is held by persons other than the Federal Government,*  
8           *a State or local government, or a foreign government.*

9           (3) *IN-SPACE TRANSPORTATION SERVICES.*—*The*  
10          *term “in-space transportation services” means oper-*  
11          *ations and activities involved in the direct transpor-*  
12          *tation or attempted transportation of a payload or*  
13          *object from one orbit to another by means of an in-*  
14          *space transportation vehicle.*

15          (4) *IN-SPACE TRANSPORTATION SYSTEM.*—*The*  
16          *term “in-space transportation system” means the*  
17          *space and ground elements, including in-space trans-*  
18          *portation vehicles and support space systems, and*  
19          *ground administration and control facilities and as-*  
20          *sociated equipment, necessary for the provision of in-*  
21          *space transportation services.*

22          (5) *IN-SPACE TRANSPORTATION VEHICLE.*—*The*  
23          *term “in-space transportation vehicle” means a vehi-*  
24          *cle designed—*

25                 (A) *to be based and operated in space;*

1                   (B) to transport various payloads or objects  
2                   from one orbit to another orbit; and

3                   (C) to be reusable and refueled in space.

4                   (6) UNITED STATES COMMERCIAL PROVIDER.—

5                   The term “United States commercial provider” means  
6                   any commercial provider organized under the laws of  
7                   the United States that is more than 50 percent owned  
8                   by United States nationals.

9                   This Act may be cited as the “Department of Defense  
10                  Appropriations Act, 2003”.



**Calendar No. 505**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 5010**

**[Report No. 107-213]**

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**AN ACT**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

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JUNE 28, 2002

Received; read twice and referred to the Committee on  
Appropriations

JULY 18, 2002

Reported with an amendment